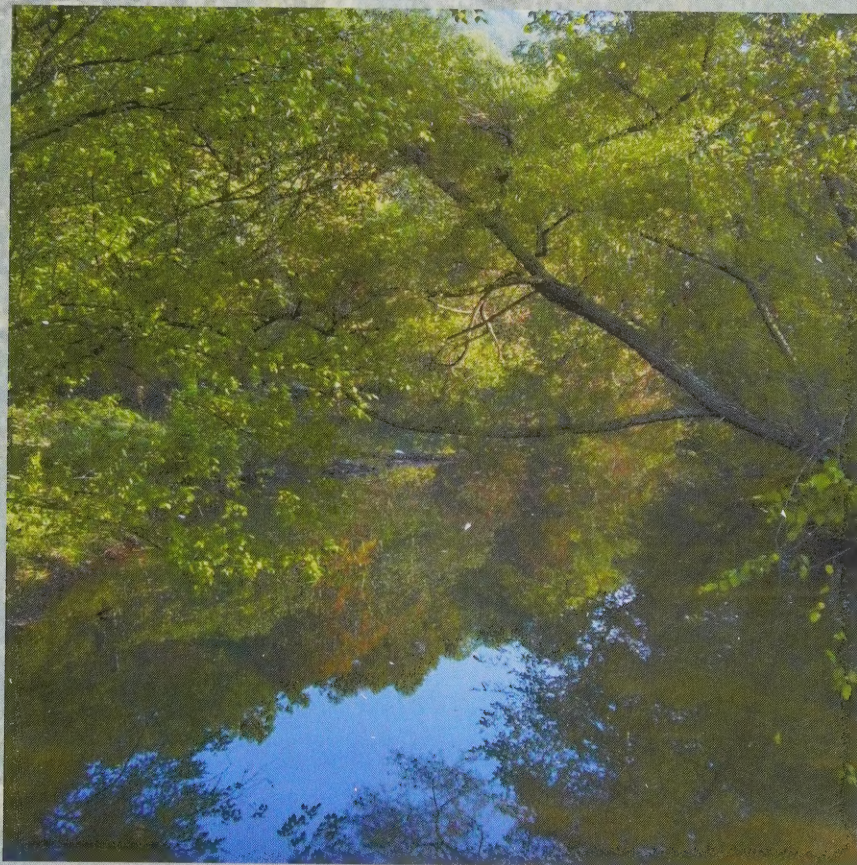




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*FINAL*  
**LAND USE ANALYSIS**  
and  
*FINAL*  
**ENVIRONMENTAL IMPACT STATEMENT**  
for  
**THE EAST LYNN LAKE COAL LEASE**



**United States Bureau of Land Management  
Eastern States—Milwaukee Field Office**

**Volume II of II**

HD  
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HD  
243  
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V.2

Case file numbers

Argus WVES-50556

Rockspring WVES-50560

**FINAL**  
**LAND USE ANALYSIS**  
**AND**  
**FINAL**  
**ENVIRONMENTAL**  
**IMPACT STATEMENT**  
**for the**  
**EAST LYNN LAKE COAL LEASE**

Coal Lease Applications WVES-50556 and WVES-50560

Wayne County, West Virginia

EIS-ES-030-2008-0004

Volume II of II

Appendices

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## **VOLUME II**

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**APPENDIX A**

**LEGAL DESCRIPTIONS OF THE PROPOSED  
LEASE TRACTS**







**Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease**

**MINERAL TRACTS ASSOCIATED  
WITH THE PROPOSED LEASE TRACTS**

Tract Name	Mineral Tract Numbers
<b>ARGUS Energy WV, LLC</b>	<b>WVES 50556</b>
Proposed lease tract A	177M-1, 177M-14, 177M-11, 1717M, 1813M, 2321M
Proposed lease tract B	177M-1, 745M, 746M, 808, 840M, 843M, 846M, 1140M, 1140, 1301, 1313M, 1330M, 1718M, 1810M, 1811M, 1813M, 2020M, 2737
Proposed lease tract C	177M-12, 177M-1, 2321M, 2430M, 2431M
<b>Rockspring Development Inc.</b>	<b>WVES 50560</b>
Proposed lease tract A	174M, 184M, 177M-1, 375M, 377M, 376ME-1, 376ME-2, 382M, 545M, 554M, 390ME-1, 395M, 378M, 380M, 381M, 384M, 386M, 177M-2, 430M, 556M
Proposed lease tract B	177M-1
Proposed lease tract C	430M, 177M-1, 177M-2, 382M, 545M, 553M, 554M, 550M, 547M, 548M, 745M, 1450M, 1451M, 1452M, 1453M, 517A, 517B
Proposed lease tract D	177M-1
Proposed lease tract E	177M-1, 1718M, 1717M 1
Proposed lease tract F	177M-1



**Final Land Use Analysis and Final Environmental Impact Statement  
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U.S Department of the Interior  
Bureau of Land Management  
Eastern States  
7450 Boston Boulevard  
Springfield, Virginia 22153

Re: Application for Emergency Coal Lease  
Pen Coal Corporation  
P.O. Box 191  
Dunlow, WV 25511

43 CFR 3425.1-2 Federal Lands Applied For Per Subpart 3471

A Description, as taken from maps and information provided by Army Corps of Engineers, of the US Government lands (herein referred to as "Federal Reserve"), within the Coalburg seam, being applied for is as follows. Said reserve is within the watersheds of the East Lynn Lake and the surface is governed by the Corp of Engineers, Huntington District, Cabell County, West Virginia. Both a 1" = 800' plat and a 1"=2,000' topo map with the reserve boundary are attached.

**TRACT "A"**

Beginning at a Boundary Monument 2302-1 which is a common corner to Tracts 2800, 2308, 2302 and 2311. The line continues with the driving line between Tracts 2800 and 2311; S 36° 05' 01" W 876.31' Feet to Iron Pin No. 2311-1; S 28° 29' 36" W 341.85' Feet to Iron Pin No. 2311-2; S 73° 07' 20" W 55.39' Feet to Iron Pin No. 2311-3; N 88° 40' 27" W 104.59' Feet To Iron Pin No. 2311-4, N 84° 39' 09" W 187.02' Feet to Iron Pin No. 2311-5; N 89° 57' 11" W 206.82' Feet to Iron Pin No. 2311-6; S 82° 54' 31" W 143.94' Feet to Iron Pin No. 2311-7; S 71° 36' 46" W 102.59' Feet to Iron Pin No. 2311-8; S 65° 25' 42" W 252.36' Feet to Iron Pin No. 2311-9; S 66° 09' 45" W 309.57' Feet to Iron Pin No. 2311-10. Thence running with the southwestern section of Tract 2311; N 20° 58' 55" W 573.99' Feet to Iron Pin No. 2311-11; N 46° 21' 17" W 252.10' Feet to Iron Pin No. 2311-12 a southeast corner of Greasy Ridge Cemetery Tract No. 4200 continuing with the line between Tracts 231 and 4200; N 53° 06' 01" W 218.15' Feet to Iron Pin No. 2311-13 a common corner to Tracts 2311, 2904 and 4200. Thence leaving Tract 4200 and continuing with Tracts 2311 and 2904 N 46° 49' E 296.00' Feet to Point A common corner of Tracts 2311, 2301 and 2904. N 58 17' 27" W 344.44' Feet; S 64 02' 00" W 427.00' Feet; N 80 00' 00" W 104.00' Feet; N 88 28' 00" W 186.00' Feet; S 85 55' 00" W 168.00' Feet; S 77 39' 00" W 248.00' Feet; N 88 22' W 70.00' Feet; N 74 47' 00" W 282.00' Feet; N 32 27' 00" W 488.00' Feet; N 73 08' 00" W 138.00' Feet; N 42 59' 00" W 60.00' Feet; N 14 34' 19" E 833.81' Feet; S 41 49' 31" E 384.05' Feet; N 7 56' 52" E 209.44' Feet; N 22 40' 15" E 398.64' Feet; N 83 04' 26" E 315.45' Feet; N 84 20' 47" E 222.00' Feet; N 38 40' 05" E 109.16' Feet; N 26 18' 50" E 205.01' Feet; N 25° 28' E 47.00' Feet to a Point near Spring Branch of Milam Creek. Thence continuing down Spring Branch N 60° 06' W 92.00' Feet; N 01° 18' E 219.00'



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Feet; N 31° 38' W 116.00' Feet; N 02° 50' W 101.00' Feet; N 33° 05' W 185.00' Feet; Thence leaving Spring Branch and Tract 2903 and running with the outcrop of the Coalburg Coal Seam N 06° 49' 19" E 197.13' Feet; N 28° 11' 15" E 174.03' Feet; N 75° 58' 08" E 128.04' Feet; N 16° 49' 39" E 246.10' Feet; N 27° 38' 05" E 220.55' Feet; N 64° 37' 14" E 238.58' Feet; N 29° 26' 12" E 163.55' Feet; N 47° 33' 20" E 349.05' Feet; N 52° 34' 44" E 372.63' Feet; N 68° 33' 34" E 164.86" Feet; N 83° 17' 34" E 93.81' Feet; N 49° 26' 58" E 283.69' Feet; N 80° 40' 47" E 124.03' Feet; N 41° 26' 04" E 124.22' Feet; N 63° 47' 12" E 136.42' Feet; N 22° 02' 37" E 165.49' Feet; N 37° 30' 11" E 168.03' Feet; N 58° 44' 45" E 179.50' Feet; N 85° 30' 33" E 256.53' Feet; N 90° 00' 00" E 286.80' Feet; N 84° 26' 32" E 207.40' Feet; S 75° 04' 26" E 85.07' Feet; N 63° 26' 37" E 114.36' Feet; N 77° 45' 44" E 198.14' Feet; N 76° 44' 29" E 262.75' Feet; S 84° 53' 59" E 102.71' Feet; S 58° 44' 45" E 119.67' Feet; S 06° 07' 04" E 205.69' Feet; S 03° 24' 04" W 369.52' Feet; S 07° 31' 58" E 320.50' Feet; S 36° 25' 36" E 138.44' Feet; S 86° 08' 41" E 162.95' Feet; S 07° 27' 48" W 154.70' Feet; S 16° 53' 34" E 106.87' Feet. To a point in Orchard Branch; N 57° 54' 41" E 158.52' Feet; N 22° 00' 14" E 163.25' Feet; N 74° 15' 16" E 148.04' Feet; S 75° 06' 10" E 234.40' Feet; S 58° 44' 45" E 299.16' Feet; S 76° 01' 08" E 506.40' Feet; N 75° 21' 32" E 183.23' Feet; S 66° 32' 18" E 120.68' Feet; S 23° 42' 19" E 351.44' Feet; S 04° 45' 56" W 87.67' Feet; S 26° 34' 25" W 123.73' Feet; S 20° 19' 49" W 251.55' Feet; S 00° 00' 00" E 117.94' Feet; S 15° 12' 02" E 122.22' Feet; S 30° 25' 14" E 155.34' Feet; S 78° 49' 49" E 120.26' Feet; S 65° 46' 49" E 95.83' Feet; S 45° 00' 39" E 121.51' Feet; N 52° 44' 38" E 168.36' Feet; N 73° 39' 12" E 253.50' Feet; N 88° 06' 38" E 441.59' Feet; S 78° 38' 09" E 280.80' Feet; S 68° 12' 22" E 211.78' Feet; S 42° 53' 23" E 278.23' Feet; S 29° 30' 36" E 127.16' Feet; S 04° 50' 45" W 86.22' Feet; S 20° 46' 46" W 135.49' Feet; S 29° 06' 50" W 323.33' Feet; S 27° 29' 00" W 205.16' Feet; S 08° 33' 13" W 421.12' Feet; S 08° 49' 59" E 151.77' Feet; S 31° 03' 04" E 183.56' Feet; S 37° 39' 29" E 257.49' Feet; S 53° 05' 15" E 315.17' Feet; S 37° 01' 16" E 118.54' Feet; S 03° 32' 01" E 118.17' Feet; S 15° 19' 57" W 203.82' Feet; S 21° 15' 28" E 84.37' Feet; S 09° 47' 10" W 171.40' Feet; S 16° 22' 25" W 217.02' Feet; S 02° 00' 19" W 291.39' Feet; S 07° 33' 51" W 165.98' Feet; S 12° 37' 26" W 99.97' Feet; S 25° 09' 11" W 78.82' Feet; S 10 47' 52" E 246.78' Feet to Monument 2608-31; N 88 25' 38" W 192.37' Feet to Monument 2608-32; S 39 31' 37" W 107.65' Feet to Monument 2608-1; S 27 24' 23" W 770.37' Feet to Monument 2608-2; S 54 12' 00" E 539.05' Feet to Monument 2608-3; S 60 14' 03" E 111.89' Feet to Monument 2608-4; S 15 27' 10" W 870.12' to Monument 2608-5; N 32 26' 17" W 648.90' Feet to Monument 2608-6; N 70 23' 45" W 283.32' Feet; S 01 53' 24" E 812.04' Feet; N 56 16' 00" W 122.00' Feet; N 57 28' 34" W 124.97' Feet; N 56 45' 00" W 538.00' Feet; N 23 03' 00" W 153.00' Feet; N 7 40' 00" W 120.00' Feet; N 3 02' 00" W 113.00' Feet; N 5 05' 00" E 136.00' Feet; N 0 33' 00" W 210.00' Feet; S 90 00' 00" W 9.00' Feet; N 23 52' 00" W 61.50' Feet; N 23 04' 31" W 413.50 to Monument 2607-7; N 24 06' 03" W 234.34' Feet to Monument 2607-8; N 41° 18' 06" W 224.61' Feet to Boundary Monument No. 2607-9; thence N 15° 57' 22" W 345.40' Feet to Boundary Monument No. 2607-10; thence N 13° 44' 26" W 138.34' Feet; to Boundary Monument No. 2607-11; thence N 00° 55' 29" E 235.43' Feet to Boundary Monument No. 2607-12; thence N 04° 21' 29" E 249.50' Feet to Boundary Monument No. 2607-13; thence N 27° 37' 46" W 471.59' Feet to Boundary Monument no. 2308-1; thence S 83° 17' 33" W 624.73' Feet to Boundary Monument No. 2308-2;



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thence N 88° 39' 34"W 732.67' Feet to Boundary Monument No. 2308-3; Thence N 39° 44' 26"W 858.09' Feet to Boundary Monument No. 2302-1 to point of Beginning  
Containing +/- 836.80 Acres.

Administrative Draft

**Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease**

U.S Department of the Interior  
Bureau of Land Management  
Eastern States  
7450 Boston Boulevard  
Springfield, Virginia 22153

Re: Application for Emergency Coal Lease  
Pen Coal Corporation  
P.O. Box 191  
Dunlow, WV 25511

43 CFR 3425.1-2 Federal Lands Applied For Per Subpart 3471

A Description, as taken from maps and information provided by Army Corps of Engineers, of the US Government lands (herein referred to as "Federal Reserve"), within the Coalburg seam, being applied for is as follows. Said reserve is within the watersheds of the East Lynn Lake and the surface is governed by the Corp of Engineers, Huntington District, Cabell County, West Virginia. Both a 1" = 800' plat and a 1"=2,000' topo map with the reserve boundary are attached.

**TRACT "B"**

Beginning at Boundary Monument 1802-7 which is a common corner Tracts 2900 and 1802 "B". And running with the East Lynn Lake Boundary Line N 26° 16' 40" W 1530.88' Feet to Boundary Monument 1802-8; Thence N 36° 11' 03" W 249.01' Feet to Boundary Monument 1802-9; Thence N 37° 45' 13" W 418.26' Feet to Boundary Monument 1802-10; Thence N 19° 07' 01" W 862.70' Feet to Boundary Monument 1800-1 A corner to Tracts 1802 "B", 1804 and 2900. Thence leaving Tract 1802 "B" and continuing with the line between Tract 1804 and 2900 N 61° 15' 41" W 1885.38' Feet to Boundary Monument 1800-2 a corner to Tracts 2900, 2904 and 1804; Thence leaving these three tracts and running N 78° 07' 00" W 714.00' Feet; N 58° 44' 00" W 399.00' Feet; N 72° 17' 00" W 151.00' Feet; N 11° 17' 00" W 350.00' Feet; S 39° 00' 00" W 31.00' Feet; S 32° 17' 00" W 90.00' Feet; S 78° 41' 00" W 66.00' Feet; N 57° 49' 00" W 424.00' Feet; N 54° 18' 00" W 158.00' Feet; N 50° 37' 00" W 124.00' Feet; N 43° 56' 00" W 228.00' Feet; N 24° 33' 00" W 128.00' Feet; N 47° 29' 00" W 114.00' Feet; N 24° 04' 00" W 422.00' Feet; N 59° 22' 00" W 88.00' Feet; S 49° 21' 00" W 261.00' Feet; S 85° 29' 00" W 191.00' Feet; S 63° 56' 00" W 305.00' Feet; S 32° 11' 00" W 105.00' Feet; S 12° 17' 00" W 103.00' Feet; S 62° 20' 00" W 157.00' Feet; S 43° 48' 00" E 157.00' Feet; N 40° 44' 03" W 1274.46' Feet.; N 18° 30' 34" W 253.02' Feet.; N 83° 55' 34" E 82.20' Feet.; N 40° 17' 43" W 754.76' Feet.; S 63° 39' 55" W 86.91' Feet.; S 12° 34' 46" E 599.15' Feet.; S 01° 38' 04" W 287.42' Feet.; S 25° 17' 13" W 266.79' Feet.; S 78° 45' 08" E 918.63' Feet.; S 20° 19' 55" E 481.37' Feet.; S 13° 09' 31" E 92.52' Feet.; S 88° 07' 00" W 122.00' Feet; S 51° 29' 00" W 300' Feet; S 49° 36' 00" W 279.00' Feet; S 76° 16' 00" W 280.00' Feet; S 68° 26' 00" W 92.00' Feet; S 63° 59' 00" W 141.00' Feet; S 59° 58' 00" W 133.00' Feet; N 83° 23' 00" W 30.00' Feet; S 88° 45' 00" W 138.00' Feet; N 79° 30' 00" W 126.00' Feet; N 83° 48' 00" W 213.00' Feet; N 61° 15' 00" W 351.00' Feet; N 51° 51' 00" W 160.00' Feet; N 44° 55' 00" W 18.00' Feet; N 44° 37' 00" W 516.00' Feet; S 47° 29' 00" W 802.00' Feet; N 84° 53' 00" W 705.00' Feet; S 36° 59' 00" W 274.00' Feet; S 56° 29' 00" W 366.00' Feet; S 47° 41' 00" W 1270.00' Feet; S 76° 06' 38" W 269.34' Feet; To a point near the out crop of the Coalburg Seam N 60° 57' 16" W 87.17' Feet; S 10° 18' 31" W 189.29' Feet; S 32° 54' 54" W 171.41' Feet; S 55° 01' 05" W 103.35' Feet; N 86° 49' 17" W 152.65' Feet; N 59° 32' 38" W 333.99' Feet; N 78° 14' 10" W 207.59' Feet; N 64° 32' 42" W 393.88' Feet; N 47° 12' 48" W 311.53' Feet; N 21° 10' 07" W 281.39' Feet; N 05° 02' 40" W 288.91' Feet; N 22° 50' 29" W 174.51' Feet; N 86° 11' 14" E 127.30' Feet; N 38° 40' 13" E 162.62' Feet; N 62° 15' 01" W 181.80' Feet; N 61° 49' 49" W 268.95' Feet; N



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for the East Lynn Lake Coal Lease***

40° 36' 43" W 156.10' Feet; N 22° 23' 16" W 155.63' Feet; N 15° 57' 04" E 184.87' Feet; N 36° 10' 06" E 272.62' Feet; N 52° 00' 42" E 343.81' Feet; N 56° 59' 09" E 403.93' Feet; N 79° 41' 56" E 189.34' Feet; S 79° 30' 45" E 232.51' Feet; S 69° 27' 04" E 217.03' Feet; N 27° 39' 17" W 200.63' Feet; N 26° 34' 25" W 189.29' Feet; N 28° 37' 10" E 106.07' Feet; N 72° 00' 08" E 356.14' Feet to a point in the Right Fork of Flat Branch; Thence continuing with the Coalburg outcrop N 63° 26' 37" W 321.86' Feet; N 15° 57' 04" W 123.25' Feet; N 03° 41' 34" W 262.95' Feet; N 08° 07' 59" E 239.42' Feet to a point in Flat Branch. Thence continuing with the Coalburg outcrop. S 38° 03' 27" W 494.50' Feet; S 06° 00' 40" W 161.72' Feet; S 24° 34' 31" W 325.77' Feet; S 62° 06' 42" W 162.87' Feet; S 67° 04' 32" W 239.04' Feet; S 65° 51' 45" W 269.09' Feet; S 47° 07' 55" W 485.24' Feet; S 36° 32' 21" W 284.45' Feet; S 83° 39' 44" W 153.36' Feet; N 66° 48' 33" W 128.97' Feet; N 57° 16' 28" W 281.83' Feet; N 30° 04' 40" W 185.85' Feet; N 43° 16' 30" W 197.64' Feet; N 30° 04' 40" W 185.85' Feet; N 10° 37' 25" E 137.79' Feet; N 44° 06' 05" E 377.19' Feet; N 36° 07' 46" E 387.76' Feet to a point in a small drain; Thence N 81° 52' 22" W 59.88' Feet; S 56° 19' 11" W 244.22' Feet; S 50° 12' 18" W 198.37' Feet; S 62° 32' 04" W 238.58' Feet; S 78° 41' 39" W 172.71' Feet; N 78° 01' 42" W 285.65' Feet; N 57° 16' 28" W 140.92' Feet; N 09° 27' 57" W 51.49' Feet; N 25° 21' 16" W 177.97' Feet; N 23° 41' 02" W 130.27' Feet; N 39° 42' 12" W 218.82' Feet; N 08° 38' 02" W 190.71' Feet; N 17° 53' 06" W 274.19' Feet; N 10° 00' 42" E 58.12' Feet; N 66° 15' 30" E 183.98' Feet; N 43° 16' 30" E 39.31' Feet; N 00° 00' 00" E 112.79' Feet; N 31° 22' 41" W 449.59' Feet; N 14° 40' 54" W 146.19' Feet; N 05° 18' 34" E 309.41' Feet; N 30° 12' 45" E 130.52' Feet; N 30° 32' 21" W 76.23' Feet; N 59° 28' 47" W 76.24' Feet; N 39° 48' 58" W 144.66' Feet; N 10° 10' 45" W 266.83' Feet; N 01° 50' 11" E 262.76' Feet; N 12° 08' 16" E 157.69' Feet; N 23° 58' 43" E 129.76' Feet; N 14° 02' 29" E 76.36' Feet; N 45° 00' 39" E 52.39' Feet; N 12° 05' 57" W 48.21' Feet; N 60° 42' 37" W 268.41' Feet; N 16° 15' 28" W 88.63' Feet; N 06° 55' 29" W 255.15' Feet; N 18° 26' 29" W 58.56' Feet; S 75° 46' 04" W 116.41' Feet; N 87° 19' 02" W 215.81' Feet; N 71° 13' 43" W 88.94' Feet; N 33° 49' 55" W 202.67' Feet; N 00° 00' 00" E 74.07' Feet; N 45° 00' 53" E 252.45' Feet; N 32° 40' 14" E 155.99' Feet; N 19° 45' 13" E 139.52' Feet; N 32° 38' 27" E 277.89' Feet; N 46° 34' 33" E 217.97' Feet; N 58° 02' 54" E 232.23' Feet; N 53° 45' 23" E 93.97' Feet; N 58° 53' 39" E 218.33' Feet; N 71° 28' 48" E 179.71' Feet; N 90° 00' 00" E 59.27' Feet; N 05° 42' 46" E 85.07' Feet; N 74° 45' 01" E 193.09' Feet; N 83° 09' 35" E 213.21' Feet; S 85° 36' 11" E 220.81' Feet; S 70° 49' 40" E 206.19' Feet; N 58° 00' 15" E 79.88' Feet; N 67° 59' 46" E 429.25' Feet; S 82° 52' 39" E 136.54' Feet; S 54° 47' 33" E 176.18' Feet; S 32° 00' 54" E 399.31' Feet; S 20° 46' 46" E 262.55' Feet; S 10° 00' 42" W 292.24' Feet; S 20° 19' 49" W 243.73' Feet; S 34° 42' 19" W 133.85' Feet; S 06° 35' 04" E 221.54' Feet; S 00° 00' 00" E 245.47' Feet; S 29° 22' 01" W 155.40' Feet; S 50° 12' 18" E 132.25' Feet; S 29° 03' 49" E 261.47' Feet to a point in the creek in Indianlick Branch; Thence N 08° 07' 59" E 119.71' Feet; N 01° 08' 46" E 423.31' Feet; N 27° 21' 31" E 276.39' Feet; N 06° 42' 44" E 144.89' Feet; N 22° 43' 19" E 394.60' Feet; N 46° 24' 29" E 245.52' Feet; N 67° 23' 16" E 220.15' Feet; N 72° 33' 32" E 310.65' Feet; to a point in the Left Fork of Indianlick Branch. Thence N 72° 54' 12" W 230.34' Feet; N 68° 45' 24" W 327.06' Feet; N 71° 34' 17" W 160.66' Feet; N 40° 36' 43" W 156.10' Feet; N 16° 42' 19" E 88.38' Feet; N 33° 42' 00" W 61.05' Feet; N 06° 42' 44" W 144.89' Feet; N 11° 18' 51" E 215.81' Feet; N 45° 00' 39" E 251.43' Feet; N 64° 08' 31" E 310.53' Feet to a point in a drain. N 75° 04' 26" W 262.90' Feet; N 71° 02' 10" W 286.52' Feet; N 34° 31' 07" W 164.37' Feet; N 25° 34' 06" W 215.82' Feet; N 02° 17' 29" W 211.78' Feet; N 15° 57' 04" E 308.12' Feet; N 32° 00' 54" E 319.45' Feet; N 45° 00' 39" W 107.76' Feet; N 20° 19' 49" W 243.73' Feet; N 07° 46' 05" W 187.94' Feet; N 18° 00' 38" E 356.03' Feet; N 16° 51' 52" E 291.88' Feet; N 37° 39' 29" E 374.22' Feet; N 68° 58' 11" E 117.94' Feet; N 26° 34' 25" W 208.22' Feet; N 04° 11' 11" E 347.98' Feet; N 11° 46' 21" E 207.51' Feet; N 02° 23' 13" E 203.33' Feet; N 11° 18' 51" E 215.81' Feet; N 38° 18' 02" E 204.93' Feet; N 65° 55' 57" E 435.88' Feet; N 54° 41' 56" E 249.01' Feet; N 84° 36' 46" E 450.78' Feet; S 73° 18' 24" E 88.40' Feet; S 13° 40' 34" E 322.33' Feet; N 56° 19' 11" E 152.64' Feet; N 20° 33' 47" E 144.65' Feet; N 45° 00' 39" E 227.49' Feet; N 77° 37' 25" E 355.44' Feet; S 65° 46' 49" E 185.70' Feet; S 32° 00' 54" E 239.59' Feet; S 39° 48' 58" E 330.60' Feet; S 33° 07' 16" E 464.91' Feet to a point in the drain; N 12° 23' 07" W 355.32' Feet; N 07° 22' 35" W 725.49' Feet; N 24° 27' 07" E 102.28' Feet; N 49° 11' 44" E 246.11' Feet; N 38° 40' 13" E 162.62' Feet; N 18° 26' 29" W 80.30' Feet; N 52° 26' 30" W 277.72' Feet; N 31° 42' 40" W 338.30' Feet; N 08° 28' 27" W 402.23' Feet; N 30° 35' 19" E 216.32' Feet; N 76° 45' 51" W 147.88' Feet; N 39° 31' 06" W 625.44' Feet; N 13° 23' 50" W 182.73' Feet; N 08° 58' 33" E



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162.82' Feet; N 47° 44' 13" W 251.72' Feet; N 24° 14' 09" W 371.31' Feet; N 12° 59' 58" E 225.87' Feet; N 32° 21' 26" E 300.61' Feet; N 48° 01' 25" E 113.90' Feet; S 88° 21' 51" E 296.49' Feet; N 85° 21' 59" E 628.67' Feet; S 54° 28' 21" E 72.83' Feet; N 43° 27' 45" E 221.58' Feet; N 68° 33' 34" E 254.72' Feet; N 90° 00' 00" E 143.95' Feet; N 02° 36' 13" E 186.41' Feet; N 37° 24' 57" E 181.17' Feet; N 48° 44' 31" E 551.94' Feet; N 44° 22' 52" E 544.80' Feet; N 62° 42' 33" E 295.38' Feet; S 75° 58' 08" E 104.74' Feet; S 33° 07' 16" E 232.45' Feet; S 16° 32' 27" E 565.12' Feet; S 02° 51' 49" W 339.01' Feet; S 00° 59' 17" E 491.02' Feet; S 06° 29' 08" W 374.84' Feet; S 04° 45' 56" E 203.85' Feet; S 21° 34' 43" E 391.41' Feet; S 38° 10' 04" E 150.73' Feet; S 66° 15' 30" E 231.26' Feet; S 12° 32' 00" W 78.04' Feet; S 34° 13' 33" W 255.93' Feet; S 60° 57' 16" E 87.17' Feet; N 87° 36' 54" E 203.40' Feet; N 68° 12' 22" E 227.99' Feet; N 32° 28' 51" E 331.13' Feet; N 46° 33' 32" E 221.58' Feet; N 75° 58' 08" E 244.39' Feet; S 73° 36' 59" E 150.04' Feet; N 13° 14' 43" E 147.83' Feet; N 51° 04' 59" E 565.93' Feet; N 64° 32' 42" E 787.76' Feet; N 87° 57' 19" E 237.25' Feet; S 41° 11' 48" E 89.99' Feet; S 10° 39' 51" W 732.13' Feet; S 17° 45' 03" W 222.19' Feet; S 09° 09' 57" W 265.79' Feet; S 00° 00' 00" E 380.90' Feet; S 16° 42' 19" W 176.75' Feet; S 61° 42' 30" W 375.04' Feet; N 65° 13' 59" W 121.23' Feet; S 67° 15' 24" W 284.63' Feet; S 40° 46' 27" W 324.15' Feet; S 61° 23' 55" W 106.09' Feet; S 45° 00' 39" E 59.86' Feet; S 42° 53' 23" W 161.74' Feet; S 84° 17' 30" W 85.10' Feet; S 68° 58' 11" W 235.87' Feet; S 46° 31' 05" W 455.13' Feet; N 81° 52' 22" E 299.38' Feet; S 84° 33' 42" E 178.63' Feet; N 72° 54' 12" E 230.34' Feet; S 79° 41' 56" E 189.34' Feet; S 57° 51' 27" E 350.02' Feet; S 70° 01' 26" E 198.22' Feet; S 69° 09' 10" E 380.56' Feet; S 56° 19' 11" E 183.16' Feet; S 05° 31' 47" W 263.63' Feet; S 35° 50' 52" W 187.97' Feet; S 32° 28' 51" W 441.50' Feet; S 54° 52' 33" W 279.53' Feet; S 59° 21' 32" W 265.73' Feet; S 30° 15' 57" W 117.60' Feet; S 52° 26' 30" W 416.59' Feet; S 46° 59' 08" W 173.71' Feet; N 77° 28' 33" W 156.13' Feet; S 02° 17' 29" E 211.78' Feet; S 22° 56' 23" W 238.98' Feet; S 31° 30' 50" W 307.80' Feet; S 36° 10' 06" W 272.62' Feet; S 65° 13' 59" W 242.46' Feet; S 33° 14' 30" W 587.00' Feet to a point in Beechy Branch; Thence N 51° 21' 02" E 433.70' Feet; N 48° 37' 56" E 473.89' Feet; N 56° 19' 11" E 213.69' Feet; N 18° 26' 29" E 160.61' Feet; N 37° 39' 29" E 374.22' Feet; N 41° 11' 18" E 449.97' Feet; N 60° 15' 52" E 546.10' Feet; N 68° 38' 12" E 418.25' Feet; N 57° 23' 26" E 251.31' Feet; N 72° 39' 08" E 141.94' Feet; S 49° 00' 06" E 258.05' Feet; S 42° 24' 29" E 263.67' Feet; N 21° 48' 32" E 91.17' Feet; N 41° 38' 39" E 101.94' Feet; N 46° 28' 46" W 233.55' Feet; N 30° 39' 36" W 265.68' Feet; N 11° 58' 50" W 285.55' Feet; N 19° 38' 18" E 438.17' Feet; N 65° 21' 19" E 126.79' Feet; N 90° 00' 00" E 423.39' Feet; S 75° 39' 21" E 375.83' Feet; S 46° 24' 29" E 245.52' Feet; S 27° 06' 15" E 817.76' Feet; S 32° 28' 51" E 220.75' Feet; S 47° 18' 05" E 149.78' Feet; S 25° 38' 58" E 234.75' Feet; S 74° 28' 53" E 158.19' Feet; S 49° 46' 27" E 144.18' Feet; S 71° 34' 17" E 107.11' Feet; S 50° 12' 18" E 198.37' Feet; S 71° 07' 14" E 340.07' Feet; S 59° 02' 45" E 197.48' Feet; S 11° 02' 42" E 353.60' Feet; S 09° 52' 10" W 395.22' Feet; S 24° 27' 07" W 306.85' Feet; S 45° 00' 39" W 323.27' Feet; S 72° 15' 42" W 222.26' Feet; S 20° 51' 42" W 380.45' Feet; S 14° 02' 29" W 383.91' Feet; S 26° 34' 25" W 132.50' Feet; S 51° 43' 13" W 204.95' Feet; S 66° 48' 33" E 193.45' Feet; S 45° 00' 39" E 203.54' Feet; S 00° 00' 00" E 363.98' Feet; S 29° 22' 01" W 155.40' Feet; S 06° 35' 04" W 443.08' Feet to point in Bluelick Branch; N 79° 23' 03" E 137.84' Feet; N 09° 41' 32" E 352.07' Feet; N 41° 59' 52" E 113.90' Feet; N 90° 00' 00" E 76.21' Feet; N 26° 34' 25" E 208.22' Feet; N 16° 15' 58" W 211.62' Feet; N 03° 43' 00" E 653.14' Feet; N 25° 34' 06" E 215.82' Feet; N 41° 05' 33" E 438.02' Feet; N 50° 55' 00" E 174.54' Feet; N 60° 32' 00" E 223.69' Feet; N 71° 34' 17" E 187.43' Feet; N 00° 00' 00" E 169.29' Feet; N 03° 29' 15" W 108.80' Feet; N 08° 31' 11" W 241.11' Feet; N 10° 07' 42" E 240.76' Feet; N 00° 00' 00" E 211.61' Feet; N 13° 23' 50" E 182.73' Feet; N 19° 39' 38" W 125.84' Feet; N 03° 28' 10" W 279.84' Feet; N 43° 02' 09" E 173.71' Feet; N 80° 32' 28" E 154.52' Feet; N 03° 56' 48" W 246.06' Feet; N 73° 18' 24" E 88.40' Feet; S 78° 00' 27" E 692.53' Feet; N 88° 49' 53" E 415.01' Feet; N 74° 03' 37" E 246.58' Feet; S 10° 05' 03" W 386.88' Feet; S 21° 32' 54" W 345.82' Feet; S 03° 56' 32" E 684.00' Feet; S 16° 15' 25" E 469.83' Feet; S 23° 28' 19" E 362.33' Feet; S 58° 48' 32" E 151.62' Feet; S 64° 50' 05" E 201.83' Feet;



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N 76° 49' 56" E 176.35' Feet; N 54° 45' 14" E 518.94' Feet; N 70° 28' 12" E 901.30' Feet; N 81° 46' 03" E 140.28' Feet; S 52° 00' 42" E 74.17' Feet; S 32° 28' 51" E 71.44' Feet; S 10° 10' 45" W 72.36' Feet; S 52° 00' 42" W 148.34' Feet; S 57° 00' 44" W 335.39' Feet; S 53° 00' 54" W 500.83' Feet; S 49° 55' 32" W 527.59' Feet; S 45° 46' 14" W 486.93' Feet; S 46° 04' 18" W 697.52' Feet; S 30° 49' 31" W 242.42' Feet; S 13° 06' 40" W 491.24' Feet; S 10° 55' 36" E 212.02' Feet; S 01° 50' 01" W 228.38' Feet; S 47° 15' 01" E 231.35' Feet; S 22° 43' 19" E 85.13' Feet; N 60° 10' 25" E 143.19' Feet; N 76° 30' 33" E 140.89' Feet; S 81° 58' 39" E 706.56' Feet; S 75° 35' 04" E 264.06' Feet; S 60° 41' 57" E 119.40' Feet; S 22° 10' 51" W 522.58' Feet; S 24° 47' 00" W 496.80' Feet; S 46° 43' 45" W 258.41' Feet; S 73° 03' 38" E 244.43' Feet; S 53° 21' 15" E 97.90' Feet; S 25° 32' 45" E 182.15' Feet; S 03° 52' 48" E 215.97' Feet; S 00° 00' 00" E 241.04' Feet; S 18° 26' 29" W 248.32' Feet; S 71° 07' 14" E 220.09' Feet; S 32° 40' 43" E 568.40' Feet; S 10° 10' 45" E 72.36' Feet; S 55° 18' 54" E 231.04' Feet; S 45° 00' 39" E 193.72' Feet; S 72° 02' 14" E 213.16' Feet; S 78° 15' 31" E 188.45' Feet; S 86° 57' 56" E 241.47' Feet; N 83° 00' 05" E 209.81' Feet; N 54° 49' 46" E 136.32' Feet; N 45° 00' 39" E 250.55' Feet; N 31° 45' 18" E 298.51' Feet; N 21° 10' 35" E 399.50' Feet; N 20° 31' 13" E 573.24' Feet; N 22° 12' 11" E 246.54' Feet; N 36° 39' 59" E 195.78' Feet; N 39° 27' 27" E 186.84' Feet; N 52° 58' 48" E 130.41' Feet; N 77° 35' 50" E 93.52' Feet; S 67° 50' 28" E 106.51' Feet; S 47° 48' 12" E 106.03' Feet; S 44° 36' 36" E 184.68' Feet; S 74° 28' 53" E 238.88' Feet; S 53° 47' 17" E 355.46' Feet; S 45° 45' 53" E 392.64' Feet; S 55° 43' 23" E 291.81' Feet; S 75° 14' 24" E 487.39' Feet; S 29° 15' 29" E 52.33' Feet; S 68° 16' 30" W 281.20' Feet; S 79° 09' 33" W 485.45' Feet; S 79° 02' 31" W 413.07' Feet; S 70° 41' 01" W 298.10' Feet; S 80° 45' 26" W 159.17' Feet; S 44° 36' 36" W 184.68' Feet; S 07° 24' 19" W 467.72' Feet; S 33° 54' 22" E 140.81' Feet; S 22° 45' 31" E 184.16' Feet; S 72° 45' 53" E 110.93' Feet; S 48° 15' 01" E 68.56' Feet; S 00° 00' 00" E 91.30' Feet; S 22° 17' 35" W 120.39' Feet; S 46° 08' 03" W 263.51' Feet; S 37° 41' 19" W 233.06' Feet; S 53° 21' 15" W 97.90' Feet; S 63° 26' 37" W 147.04' Feet; S 23° 41' 24" E 113.66' Feet; S 09° 11' 32" E 125.79' Feet; S 06° 23' 34" W 229.69' Feet; S 05° 24' 50" W 348.51' Feet; S 24° 56' 12" W 142.98' Feet; S 49° 51' 17" W 152.94' Feet; S 70° 31' 49" W 158.88' Feet; S 88° 00' 10" W 157.20' Feet; S 67° 03' 32" W 220.19' Feet; N 63° 44' 04" W 160.93' Feet; N 53° 55' 48" W 291.54' Feet; N 45° 00' 39" W 304.79' Feet; N 58° 40' 51" W 98.36' Feet; N 45° 00' 39" W 240.21' Feet; N 83° 39' 44" W 66.17' Feet to a point in the drain; S 31° 05' 49" E 290.02' Feet; S 31° 17' 14" E 228.64' Feet; S 40° 17' 53" E 361.53' Feet; S 23° 22' 55" E 234.76' Feet; S 04° 37' 33" W 249.16' Feet; S 51° 45' 50" W 197.68' Feet; S 73° 34' 50" W 329.47' Feet; S 82° 23' 43" W 538.15' Feet; to a point in the drain; S 79° 19' 18" E 719.41' Feet; N 90° 00' 00" E 369.01' Feet; S 67° 41' 17" E 187.59' Feet; S 32° 54' 22" E 585.08' Feet; S 32° 54' 22" E 585.08' Feet; S 54° 33' 52" E 264.56' Feet; S 79° 14' 57" E 332.83' Feet; S 41° 59' 52" E 122.86' Feet; S 05° 33' 43" W 207.32' Feet; S 52° 36' 18" W 117.27' Feet; S 65° 24' 56" W 640.83' Feet; S 85° 23' 28" W 113.63' Feet; S 38° 08' 38" W 248.44' Feet; S 84° 36' 24" W 330.28' Feet; S 72° 12' 25" W 364.52' Feet to a point in Perry Branch; S 78° 33' 47" E 313.11' Feet; S 72° 20' 28" E 300.98' Feet; S 35° 58' 57" E 139.91' Feet; S 20° 29' 06" E 469.79' Feet; S 05° 31' 47" W 227.49' Feet; S 53° 58' 58" W 695.62' Feet; S 86° 49' 17" W 164.66' Feet; S 15° 30' 01" W 191.35' Feet; S 47° 33' 38" W 319.32' Feet; S 71° 57' 21" W 430.36' Feet; S 18° 11' 04" E 128.78' Feet; S 41° 39' 41" E 508.41' Feet; S 41° 23' 48" W 245.86' Feet; S 80° 35' 46" W 312.93' Feet; N 87° 14' 38" W 645.59' Feet; N 75° 52' 09" W 254.31' Feet; N 33° 41' 45" W 133.78' Feet; N 15° 09' 00" E 99.00' Feet; N 02° 50' 00" W 101.00' Feet; N 37° 36' 22" W 142.60' Feet; S 54° 54' 00" W 162.99' Feet to point of beginning containing +/- 5,372.20 Acres.



**Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease**

U.S Department of the Interior  
Bureau of Land Management  
Eastern States  
7450 Boston Boulevard  
Springfield, Virginia 22153

Re: Application for Emergency Coal Lease  
Pen Coal Corporation  
P.O. Box 191  
Dunlow, WV 25511

43 CFR 3425.1-2 Federal Lands Applied For Per Subpart 3471

A Description, as taken from maps and information provided by Army Corps of Engineers, of the US Government lands (herein referred to as "Federal Reserve"), within the Coalburg seam, being applied for is as follows. Said reserve is within the watersheds of the East Lynn Lake and the surface is governed by the Corp of Engineers, Huntington District, Cabell County, West Virginia. Both a 1" = 800' plat and a 1"=2,000' topo map with the reserve boundary are attached.

**TRACT "C"**

Beginning at Boundary Monument 2600-21 (Iron Pin set by a Hickory on 1/10/69). This being a common corner of Tracts 2602, 2606 and 2600. Thence leaving tract 2602 and continuing with tract 2606 and 2600 S 84° 43' 59" W 155.68' Feet to Monument 2600-22; Thence N 77° 14' 20" W 217.04' Feet to Monument 2600-23; Thence N 73° 22' 59" W 208.76' Feet to Monument 2600-24; Thence S 65° 08' 02" W 263.93' Feet to Monument 2600-25; Thence S 60° 45' 07" W 523.74' Feet to Monument 2600-26; Thence S 66° 31' 55" W 42.21' Feet to Monument 2600-27; Thence N 89° 49' 37" W 125.66' Feet to Monument 2600-28; Thence N 86° 49' 44" W 106.85' Feet to Monument 2600-29; Thence S 73° 12' 07" W 90.90' Feet to Monument 2600-39; Thence leaving tract 2606 and continuing down the hill to the Coalburg outcrop S 72° 20' 03" W 292.03' Feet to Monument 2601-7; Thence N 06° 24' 20" W 116.97' Feet to Monument 2601-6; Thence N 00° 39' 29" E 148.03' Feet to Monument 2601-5; Thence N 17° 04' 24" E 160.36' Feet to Monument 2601-4; Thence N 27° 08' 39" E 199.53' Feet to Monument 2601-3; N 81° 58' 54" E 42.01' Feet to Monument 2601-2; N 15° 20' 20" E 127.93' Feet; N 03° 52' 06" E 326.14' Feet; N 10° 23' 34" E 177.64' Feet; N 30° 25' 14" W 388.36' Feet; N 54° 22' 43" W 310.00' Feet; N 81° 10' 58" W 427.47' Feet; S 88° 00' 25" W 460.57' Feet; S 85° 32' 57" W 356.49' Feet; N 85° 24' 06" W 127.13' Feet; N 20° 48' 05" W 123.05' Feet; N 05° 22' 23" E 171.11' Feet; N 03° 53' 09" W 236.42' Feet; N 08° 36' 23" W 399.09' Feet; N 32° 21' 26" W 103.42' Feet; N 67° 06' 07" W 224.53' Feet; N 75° 15' 59" W 160.67' Feet; S 71° 34' 17" W 161.74' Feet; N 63° 01' 42" W 563.67' Feet; N 24° 20' 01" W 146.30' Feet; S 84° 28' 28" W 113.79' Feet; N 67° 58' 16" W 165.53' Feet; S 86° 30' 15" W 329.43' Feet; N 71° 49' 42" W 128.82' Feet; N 00° 00' 00" E 379.82' Feet; N 05° 34' 56" E 319.25' Feet; N 17° 28' 51" W 310.15' Feet; N 48° 01' 25" W 245.72' Feet; N 78° 41' 39" W 158.35' Feet; S 84° 45' 06" W 339.37' Feet; S 74° 30' 38" W 191.46' Feet; N 90° 00' 00" W 378.14' Feet; N 88° 24' 34" W 328.94' Feet; N 77° 45' 29" W 241.14' Feet; N 79° 11' 24" W 165.52' Feet; N 52° 31' 04" W 168.05' Feet; N 00° 00' 00" E 102.26' Feet; N 12° 10' 33" E 95.27' Feet; N 57° 15' 22" E 340.99' Feet; N 72° 22' 41" E 205.09' Feet; N 69° 39' 33" E 294.19' Feet; N 48° 24' 37" E 261.34' Feet; N 06° 31' 20" E 257.32' Feet; N 10° 33' 54" W 219.19' Feet;



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N 13° 02' 36" E 178.07' Feet; N 45° 20' 59" E 218.26' Feet; N 16° 23' 43" E 32.36' Feet; N 32° 10' 51" W 133.77' Feet; S 65° 44' 01" W 102.19' Feet; N 87° 03' 56" W 214.01' Feet; N 45° 00' 39" W 131.73' Feet; N 77° 08' 38" W 410.35' Feet; N 40° 47' 00" W 595.68' Feet; N 10° 08' 40" W 228.17' Feet; N 29° 19' 47" E 458.71' Feet; N 76° 48' 28" E 149.67' Feet; S 86° 45' 45" E 278.60' Feet; S 80° 32' 38" E 63.85' Feet; N 39° 34' 42" E 156.51' Feet; N 43° 10' 16" E 230.12' Feet; N 34° 06' 47" E 105.88' Feet; N 23° 49' 12" E 194.92' Feet; N 21° 35' 03" E 242.53' Feet; N 02° 43' 41" E 110.26' Feet; N 22° 23' 36" W 192.86' Feet; N 10° 57' 40" E 165.61' Feet; N 16° 09' 16" E 207.49' Feet; N 43° 44' 45" E 166.98' Feet; N 42° 39' 56" E 271.04' Feet; N 39° 49' 27" E 245.84' Feet; N 25° 25' 20" E 232.28' Feet; N 09° 28' 06" E 191.42' Feet; N 11° 19' 02" W 160.46' Feet; N 29° 45' 40" W 169.16' Feet; N 37° 53' 36" W 119.63' Feet; N 03° 34' 43" W 84.08' Feet; N 51° 21' 31" E 134.38' Feet; N 69° 27' 23" E 224.18' Feet; N 83° 39' 50" E 285.14' Feet; N 90° 00' 00" E 57.73' Feet; S 02° 36' 15" W 115.50' Feet; S 16° 28' 13" W 240.64' Feet; S 03° 59' 37" W 226.07' Feet; S 04° 50' 01" E 373.70' Feet; S 39° 18' 28" E 149.12' Feet; S 30° 16' 22" E 145.75' Feet; S 50° 43' 45" E 298.28' Feet; S 21° 48' 52" E 112.98' Feet; S 82° 52' 47" E 126.93' Feet; S 56° 19' 38" E 245.94' Feet; S 65° 52' 07" E 166.77' Feet; S 83° 53' 19" E 147.79' Feet; N 86° 49' 20" E 189.22' Feet; N 70° 55' 05" E 144.39' Feet; S 79° 13' 21" E 112.19' Feet; S 06° 29' 11" E 103.71' Feet; S 08° 08' 07" W 482.12' Feet; S 02° 20' 20" W 257.20' Feet; S 26° 34' 48" W 164.21' Feet; S 56° 19' 38" E 132.43' Feet; S 70° 55' 05" E 144.39' Feet; S 79° 42' 06" E 58.67' Feet; N 69° 09' 29" E 117.93' Feet; N 87° 57' 21" E 147.04' Feet; N 90° 00' 00" E 146.95' Feet; S 81° 15' 34" E 207.08' Feet; S 75° 58' 21" E 129.83' Feet; S 53° 45' 51" E 97.60' Feet; N 86° 49' 20" E 94.61' Feet; N 48° 45' 09" E 179.44' Feet; N 79° 59' 55" E 90.60' Feet; S 88° 29' 37" E 399.00' Feet; N 90° 00' 00" E 220.42' Feet; N 87° 02' 28" E 304.80' Feet; S 72° 39' 24" E 87.97' Feet; S 58° 41' 17" E 141.29' Feet to a point in a small drain; N 08° 22' 17" E 180.24' Feet; N 22° 04' 52" E 209.41' Feet; N 58° 09' 03" E 228.60' Feet; N 62° 25' 05" E 260.53' Feet; N 72° 02' 31" E 204.13' Feet; N 83° 29' 04" E 184.88' Feet; N 85° 14' 22" E 126.39' Feet; S 87° 42' 39" E 262.62' Feet; S 80° 32' 38" E 95.77' Feet; S 41° 50' 20" E 133.75' Feet; N 79° 30' 55" E 144.11' Feet; N 70° 21' 29" E 78.01' Feet to a point in Kiah Creek; Thence N 28° 18' 59" E 77.45' Feet; Thence S 89° 51' 48" E 5,123.63' Feet; Thence S 34° 53' 00" E 910.00' Feet to Monument 2501-1; S 63° 36' 00" E 179.00' Feet to Monument 2504-1; S 22° 43' 00" W 326.00' Feet to Monument 2504-2; S 66° 10' 00" W 733.00' Feet to Monument 2503-1; S 00° 16' 00" E 253.33' Feet to Monument 2501-11; S 48° 06' 00" E 335.22' Feet; S 48° 06' 00" E 700.00' Feet; S 27° 16' 00" E 397.00' Feet; S 03° 48' 00" W 302.00' Feet; S 02° 17' 00" E 326.00' Feet; S 19° 13' 00" E 261.00' Feet; S 08° 56' 00" E 90.00' Feet; S 43° 36' 00" E 203.00' Feet; S 01° 17' 00" E 179.00' Feet; S 27° 56' 00" E 205.00' Feet; S 11° 05' 00" E 146.00' Feet; S 30° 34' 00" E 173.00' Feet; S 51° 13' 00" E 209.00' Feet; S 60° 11' 00" E 267.00' Feet; S 88° 59' 00" E 338.00' Feet; S 81° 47' 00" E 259.00' Feet; S 56° 11' 00" E 252.00' Feet; S 36° 00' 00" 131.00' Feet; N 00° 21' 30" W 55.95' Feet; N 46° 22' 09" E 101.22' Feet; N 56° 25' 39" E 60.78' Feet; S 03° 20' 21" E 52.88' Feet; S 40° 26' 35" W 60.07' Feet; S 07° 09' 58" E 90.02' Feet; S 43° 08' 05" E 165.98' Feet; S 32° 18' 36" E 130.01' Feet; S 44° 31' 36" E 160.03' Feet; S 55° 49' 17" E 202.96' Feet; S 52° 49' 34" E 135.69' Feet; S 38° 22' 04" E 91.65' Feet; S 38° 22' 00" W 91.00' Feet; S 52° 20' 00" W 216.00' Feet; S 59° 47' 00" W 195.00' Feet; N 13° 40' 48" W 65.66' Feet; N 51° 57' 55" E 89.91' Feet; N 44° 57' 17" E 285.70' Feet; N 57° 36' 54" W 32.64' Feet; N 64° 22' 35" W 217.20' Feet; N 59° 57' 26" W 105.20' Feet to Monument 2704-2; N 49° 31' 05" W 132.85' Feet; to Monument 2704-3; N 57° 04' 15" W 272.09' Feet to Monument 2704-4; N 57° 33' 10" W 149.11' Feet to Monument 2704-5; N 63° 52' 02" W 944.66' Feet to Monument 2707-1; N 86° 43' 59" W 94.11' Feet to Monument 2707-2; N 45° 00' 00" W 110.00' Feet to Monument 2707-3; N 57° 30' 00" W 147.00' Feet to Monument 2707-4; N 53° 18' 00" 144.00' Feet to Monument 2502-1-1; N 51° 16' 00" W 179.00' Feet to Monument 2502-1-2; S 73° 00' 00" W 229.94' Feet to Monument 2502-1-3; N 27° 17' 59" E 239.99' Feet to Monument 2502-1-4; N 20° 49' 09" W 812.31' Feet to Monument 2502-1-3; N 02° 15' 33" W 423.02' Feet to Monument 2501-11; N 23° 37' 11" W 1966.89' Feet to Monument 2502-2-2; N 63° 37' 08" E 96.10' Feet to Monument 2501-12; N 68° 39' 35" W 521.58' Feet to Monument 2501-13; N 68° 39' 36" W 1,029.97' Feet to Monument 2501-14; N 68° 39' 34" W 650.00' Feet to Monument 2412-1; S 53° 50' 03" W 585.44' Feet to Monument 2412-2; N 63° 09' 09" W 702.46' Feet to Monument 2412-3; S 51° 25' 40" W 648.99' Feet to Monument 2408-1; S 11° 46' 00" E 123.00' Feet; S 13° 25' 00" 134.00' Feet; S 35° 08' 00" 106.00' Feet; S 24° 18' 00" E 136.00' Feet; S 03° 53' 00" E 133.00' Feet; S 46° 14' 00" W 98.00' Feet; S 36°



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02°00"E 109.00' Feet; S 18 49'00"W 139.00' Feet; S24 51'00"W 150.00' Feet; S 47 35'00"W 141.00' Feet; S17 32'00"W 182.00' Feet; S29 41'00"E 115.00' Feet; S42 57'00"E 138.00' Feet; S 09 56'00"E 170.00' Feet; S 06 56'00"E 297.00' Feet; S01 30'00"W 76.00' Feet; S50 27'00"W 112.00' Feet; S 23 29'00"W 108.00' Feet to Monument 2408-2; S 41 07'05"W 231.24' Feet to Monument 2408-3; S 12 13'52"E 335.12' Feet to Monument 2408-4; S 12 13'52"E 735.20' Feet to Monument 2408-5; S 80 47'52"W 443.34' Feet to Monument 2414-1; S66 31'41"E 454.55' Feet to Monument 2412-2; S08 58'34"W 183.95' Feet to Monument 2414-3; S44 23'20"W 330.65' Feet to Monument 2414-4; S28 15'14"W 181.65' Feet to Monument 2414-5; S33 41'24"E 140.58' Feet to Monument 2600-31; N64 16'18"E 377.58' Feet to Monument 2600-32; S68 56'46"E 671.99' Feet to Monument 2600-33; S 84 11'45"E 159.41' Feet to Monument 2600-34; N 52 17'30" 370.54' Feet to Monument 2600-35; N 73 55'16"E 179.16' Feet to Monument 2600-36; N 76 57'43"E 76.02' Feet to Monument 2600-1; N86 49'41"E 112.95' Feet to Monument 2600-2; S 78 04'19"E 146.70' Feet to Monument 2600-3; S60 36'40"E 134.72' Feet to Monument 2600-4; S 34 17'42"E 124.09' Feet to Monument 2600-5; S02 43'42"E 101.82' Feet to Monument 2600-6; S 15 51'00"E 70.33' Feet to Monument 2600-7; S 02 33'43"E 92.82' Feet to Monument 2600-8; S 02 43'42"E 511.03' Feet to Monument 2600-9; S 62 48'07"W 991.90' Feet to Monument 2600-10; S 36 16'52"E 258.78' Feet to Monument 2600-11; S 70 20'02"W 428.47' Feet to Monument 2600-12; S 79.33'47"W 85.90' Feet to Monument 2600-13; S 60 59'53"W 83.26' Feet to Monument 2600-14; S 77 53'10"W 275.99' Feet to Monument 2600-15; S 57 46'55"W 268.02' Feet to Monument 2600-16; N 84 27'58"W 269.00' Feet to Monument 2600-17; S 80 14'53"W 199.43' Feet to Monument 2600-18; N 80 02'13"W 183.80' Feet to Monument 2600-19; S 65 41'35"W 523.79' Feet to Monument 2600-20; S 36 13'37"W 199.96' Feet to Monument 2600-21; S 84 43' 59"W 155.68' Feet to Monument 2600-22 Point of Beginning. Containing +/-1430.63 acres



















**APPENDIX B**

**REASONABLY FORESEEABLE DEVELOPMENT SCENARIO**







**EAST LYNN LAKE COAL LEASE**  
**REASONABLY FORESEEABLE DEVELOPMENT SCENARIO**  
Revised February ~~14, 2008~~ 13, 2009

**Introduction**

*Coal as an Energy Source*

Energy analysts agree that the domestic and international demand for coal will increase for decades to come. Projections out to 2030 show coal consumption increasing by about 1.5 percent per year with most of this usage occurring as electrical-power generation. As an energy source, coal possesses the largest reserves, and is generally the most economic source of power in the United States. New technologies have rendered coal as a cleaner source of energy.

Coal is a hard, black, sedimentary rock formed over time from the remains of plant material. Heat and pressure convert the plant matter to coal, which is mainly carbon, but contains hydrogen, oxygen, nitrogen and sulfur as well, and may contain other elements in trace quantities. Coal is ranked according to its level of alteration by heat and pressure, increasing in rank from lignite to bituminous to anthracite. As the ranking increases, so does the coal's carbon and energy content. The coal reserves under application at East Lynn Lake are bituminous.

*Proposed Action*

Argus Energy LLC (Argus) and Rockspring Development (Rockspring), referred to as the Applicants, have filed lease applications to mine approximately 13,089.55 acres of federal coal underlying federal land acquired by U.S. Army Corps of Engineers (USACE) at the East Lynn Lake Project, Wayne County, West Virginia. East Lynn Lake is an impoundment project, created by the damming of the East Fork of Twelvepole Creek, and is part of a Developed Recreation Area. Before the competitive leasing process can be initiated, coal-mining issues will be analyzed in a Land Use Analysis/Environmental Impact Statement (LUA/EIS). In the event that the Proposed Action is selected, the competitive leasing process would be implemented. The successful bidder(s) would access the federal coal from existing, permitted mines located under private land that adjoin the proposed lease tracts. Extraction would be accomplished by underground mining methods by cutting drifts from existing operations. No surface mining would occur.

To adequately assess the effects of the Proposed Action, and to supplement other critical elements of the LUA/EIS, this Reasonably Foreseeable Development Scenario (RFDS) has been prepared, and is presented here. An RFDS is a report which estimates anticipated development, production, and reclamation activities that would accompany the implementation of the Proposed Action.

**Lease-By-Application**

In November of 1999, the forerunner of Argus, the Pen Coal Corporation, submitted to the BLM an application for federal coal reserves underlying WVES-50556. Argus Energy became the applicant of record for WVES-50556 in February of 2003 when the Pen Coal Corporation sold



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its coal-mining assets in West Virginia to them. Argus has approximately 7,624.60 acres under application for lease, bordering a portion of the southern shore of East Lynn Lake. Rockspring made an initial application for their lease in 1999, and resubmitted a revised application in 2004, increasing the acreage to 5,449.92 from 1,832.12, positioned on the northern side of the lake. Rockspring made an adjustment to the permit boundary in September 2007 that did not increase the acreage. The permit boundary used for the original version of this RFDS is provided on figure 1. The new permit boundary, as of September 2007, is shown on figure 2.

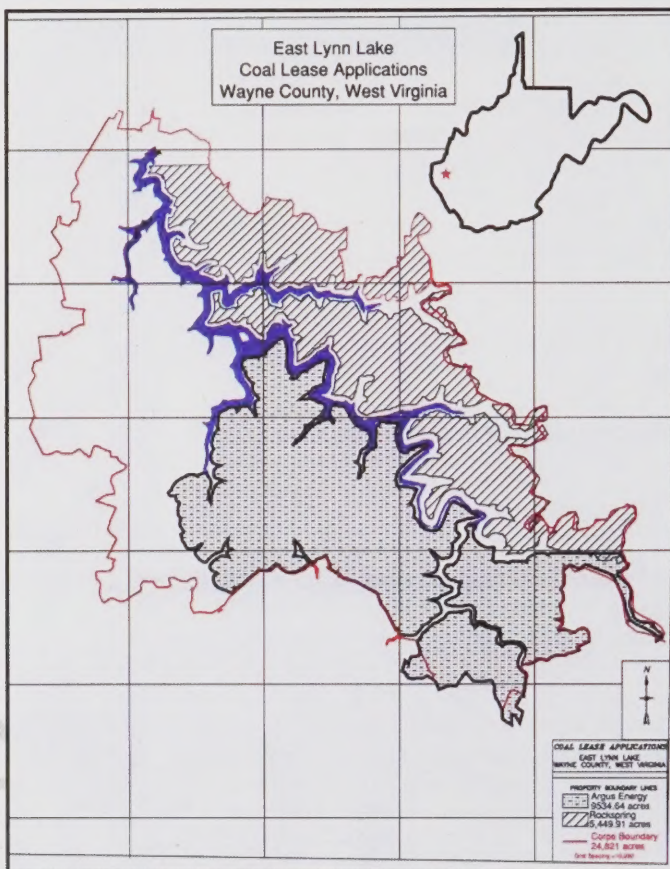


Figure 1: Permit Boundary of the Original RFDS (April 19, 2007)

The Argus and Rockspring applications have been serialized WVES-50556 and WVES-50560, respectively. The coal rights covered by the applications were acquired by the USACE under

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condemnation authority in the early 1970s. The *Water Resources Development Act* of 1999 effectively removed from the USACE all coal-mining consent authority, and placed that authority with the BLM.

Argus' lease application is divided into three sections, which represent extensions of existing logical mining units, designated as areas "A," "B," and "C." Rockspring's application is divided into six logical mining unit extensions. A logical mining unit is an area that can be mined in an efficient and economical manner (typically by a single mining operation without the need to move equipment twice). Figure 1 shows a general overview of all the individual lease tracts, their sizes, and their placement along the north and south shores of East Lynn Lake (Rockspring and Argus, respectively).

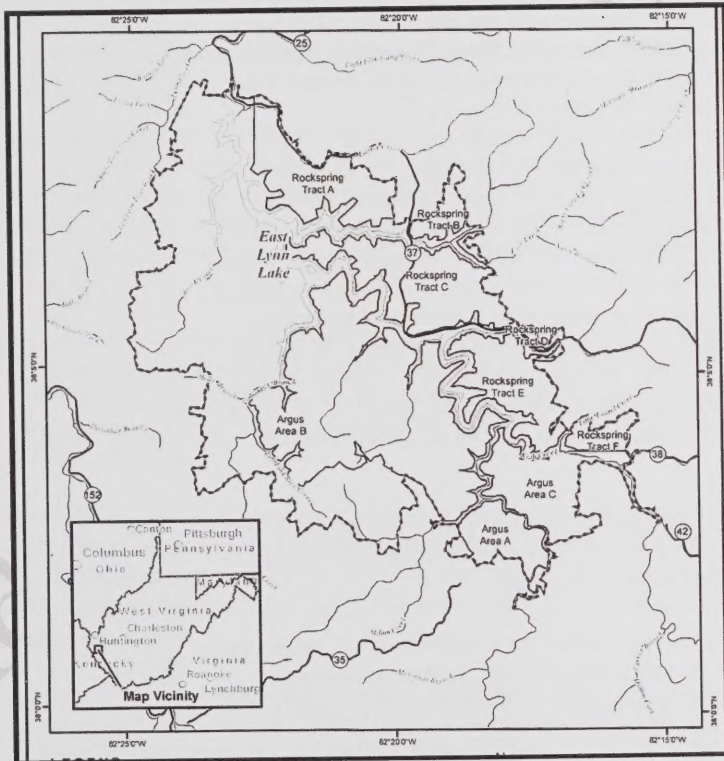


Figure 2: Adjusted Permit Boundary, September 12, 2007



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Along with their lease applications, the Applicants provided summaries addressing mining plans, geologic and hydrologic issues, subsidence, property descriptions, and statements of qualifications. Based on recent and historical exploratory coal drilling data, and data from the existing mines, the Applicants have compiled recoverable reserves figures for the federal coal underlying the application tracts.

**Current Mining Activities under Private Lands Next to the Proposed Lease Tracts**

The Applicants conduct active mining operations adjacent to the proposed federal lease tracts. Rockspring's Camp Creek Mine is located to the northeast of the East Lynn Lake Reservoir, and consists of underground mine workings, a coal preparation plant, and a coal refuse disposal facility. The Camp Creek Mine produces approximately 3 million clean tons of coal per year by means of room-and-pillar extraction. Production occurs principally from the Coalburg/Winifrede coal seam. The Coalburg/Winifrede reserves typically are low in sulfur, and high in British Thermal Units (BTU), used principally for clean electric generation. The Camp Creek Mine operates at an average depth of roughly 250 feet below the surface, and employs approximately three hundred people. If Rockspring were selected as a successful bidder, the federal coal would be extracted over a period of about 10 years.

Argus owns and operates two active mines and one inactive underground mine; three active mines and one inactive surface mine; and one preparation plant, all located south of the East Lynn Lake Reservoir. The surface operation produces from the No. 5 Block coal seam while the underground operations extract from the Coalburg/Winifrede and the No. 5 Block seams. Argus' underground workings operate at an average depth of 200-250 feet. Current operations produce about 2 million tons of clean coal per year. If Argus were selected as a successful bidder, the federal coal reserves within the Coalburg/Winifrede coal seam would be accessed from Argus' currently inactive No.3 mine and the active No. 8 mine. Presently, there are 277 people employed by Argus with an additional 175 contract workers at their mining complex. If Argus were selected as a successful bidder, the addition of the federal coal reserves would extend Argus' mine life by an anticipated 15 years.

Each company runs two shifts per day, a morning shift and an evening shift. The morning crews start at about 6:30 a.m. and go until approximately 2:30 p.m. The evening shift works from about 2:30 p.m. until 10:30 p.m. with some overlap between the shifts.

In the event that the BLM issues the proposed federal coal leases for competitive bid, and in the event that Rockspring and Argus are selected as the successful bidders, neither Applicant anticipates the need for additional hiring or surface construction. The federal coal reserves would be mined using the existing staff and infrastructure at each mine.

Both Applicants are proposing only primary mining. Coal extraction would occur by underground mining using modern, continuous-miner, room-and-pillar methods. No secondary or pillar recovery mining is proposed by either Applicant. All future production from the proposed federal leases would be processed and shipped from permitted facilities already present

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on private ground. Each Applicant justifies the issuance of proposed federal leases on the basis that the federal coal resources would be lost if not developed from their adjacent operations.

In the event that the Applicants are not the successful bidders, the successful bidders would be required to mine in substantial compliance with this RFDS in order to use the NEPA evaluation conducted for this proposed lease.

#### **Geology In the Vicinity of the Proposed Lease Tracts**

Regional bedrock consists of sedimentary rocks of the Pennsylvanian period. The Pennsylvanian is well developed in West Virginia, underlying approximately 55 percent of the entire state. A description of the Pennsylvanian section underlying the area is identified below.

Surficial deposits within the area consist of alluvium and colluvium, composed principally of sand and gravel with lesser amounts of silt and clay. Surface rocks belong chiefly to the Pennsylvanian Conemaugh group; although in this part of the state it is only the basal portion that remains. Immediately subjacent to the Conemaugh is the Allegheny formation, also of Pennsylvanian age.

The Allegheny formation is bound by the top of the Upper Freeport coal seam and extends down to the top of the Homewood sandstone. Within the proposed lease area, the Allegheny Formation is represented by the Upper Freeport coal seam, the Lower Freeport coal seam, the East Lynn sandstone, and the No. 5 Block (Lower Kittanning) coal seam. The Upper and Lower Freeport coal seams are sporadically present locally, and therefore are not considered commercially minable.

The East Lynn sandstone is a prominent member of the Allegheny Formation in the permit area, exhibiting channel-sand characteristics. This channeling has extended downward to the upper beds of the No. 5 Block coal seam. The East Lynn sandstone is coarse grained, massive, gray, and often contains quartz pebbles. The average thickness of the East Lynn sandstone is 50 feet, but can be as thick as 150 feet.

The No. 5 Block coal seam is usually multiple bedded in the permit area, consisting of up to five mappable coal benches. Sandy shales, silty shales, homogeneously layered shales, and fireclays often cap, and underlie the benches of the No. 5 Block coal seam. Over much of the application area, part of the No. 5 Block coal (the "A" split) has been eroded during the deposition of the East Lynn sandstone.

Occurring approximately 10 feet below the "A" split, is the No. 5 Block "B" Rider. The "B" Rider attains a maximum thickness of 4.72 feet locally, containing some shale and bone. Occurring from 10 to 23 feet below the "B" Rider are the "B" and "C" splits of the No. 5 Block coal seam. Within the proposed lease area, the "B" and "C" splits are combined, and so are often considered a single seam. The combined thickness of the "B" and "C" splits ranges from 1.4 feet to 8.7 feet. Occurring from 10 to 15 feet below the base of the "C" split is the "D" split of the

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Stratigraphic units of the Kanawha formation present within the proposed lease area consist of the Homewood sandstone, the Stockton coal seam, Upper Coalburg sandstone and Winifrede (Coalburg) coal seam. The following is a brief description of the lithologies of these rock units:

*Homewood Sandstone*

### Stockton Coal Seam

## Upper Coalburg Sandstone

## Coalburg/Winifrede Coal Seam

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Thin underclays usually underlie the coal seams in the section, representing bioturbated soil which supported vegetation growth, and now exhibit highly impermeable characteristics. These clays are largely composed of illite, kaolinite, and silica dust derived from the erosion of quartzose sand. The expandable lattice of the clay minerals allows swelling of these units as moisture is introduced, thus these units tend to form relatively impermeable boundaries to the vertical migration of groundwater.

#### **Description of Proposed Mining and Reserve Estimates**

Both Applicants propose to mine the federal coal reserves from the Coalburg/Winifrede seam by underground mining methods accessed from their existing operations.

Argus has expressed an interest in mining the small reserves of No. 5 Block coal that exist on the proposed lease tracts. However, Argus has no immediate interest. Argus' existing lease application and this LUA/EIS process do not involve mining of the No. 5 Block. If Argus would want to mine the No. 5 Block seam on the proposed lease tracts, the company would follow appropriate procedures related to requesting to lease the area and performing NEPA-compliant environmental analyses, and other geotechnical and hydrologic analyses associated with planning and permitting.

The successful bidder(s) would develop room-and-pillar operations using a machine called a "continuous miner," a remotely-operated vehicle which advances forward through the coal seam, mechanically breaking the coal and rock by means of a large, rotating drum-head studded with carbide teeth. The broken coal and refuse would then drop onto a built-in conveyor for loading onto waiting shuttles. Roof support would then be installed, the ventilation would be extended and the coal face would be ready for the next advance. The roof would be supported with mechanical or resin-grout bolts or a combination of the two. In most cases, a single pass would remove a 10.5 to 11.5-foot swath of coal.

The room-and-pillar configuration would be developed as crosscuts are driven at 90-degree angles off the main entries. The mains and panels (rooms) generally would consist of a 9-entry system projected on 60 feet by 80 feet centers. However, pillar sizes may vary in accordance with the U.S. Bureau of Mines' Analysis of Retreat Mining Pillar Stability (ARMPS) modeling method, and appropriate pillar stability factors, which would be described in required roof control plans. Crosscuts would facilitate ventilation to allow fresh air to pass through intake entries and be expelled through return entries. The average mining height of the Coalburg/Winifrede seam is about six feet. The federal coal reserves are anticipated to be mined at a 50 percent recovery rate. The following table shows a breakdown of the estimated federal coal reserves present in the Coalburg/Winifrede coal seam under the proposed lease tracts.

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**Estimated Federal Coal Reserves in the Coalburg/Winifrede Seam  
under the Proposed Lease Tracts**

<u>Applicant</u>	<u>Application Number</u>	<u>Tons In-Place</u>	<u>Tons Clean Recoverable</u>
Rockspring	WVES-50560	40,978,177	11,275,874
Argus	WVES-50556	35,000,000	15,000,000

Potential Impacts

Impacts to the area from the proposed mining that may occur include subsidence of the surface, and impacts to ground and surface waters. Impacts that would occur include:

- economic impact to the area, including continued revenues from mining royalties to the local governments, and
- refuse processing and disposal.

Revenues

Coal prices determine the revenue received by the federal government from coal mining operations. A royalty rate of 8 percent of the coal sold from underground mines is due to the U. S. Minerals Management Service; 75 percent of this revenue is then transferred ~~through to~~ the State of West Virginia ~~to local governments~~.

Should all the recoverable coal be mined at the current price of about \$43/ton, then ~~state, and local governments~~ the state government would receive approximately ~~\$29 million over a period of 10 years and \$39 million~~ \$67.4 million over a period of about 15 years. The distribution of these revenues to local governments and agencies is governed by state law.

**Comment [r1]:** Revised per comments C 22.2 and all others addressing royalties.

Refuse Disposal

Refuse is non-coal rock that would be generated as the coal, and non-coal portions of the seam are mined. Refuse makes up about 50% of the seam, thus the volume of refuse generated by mining would be the same as the recovered coal. However, since the refuse density is double that of the coal's density, the tonnages would be twice as much as the coal's. This operation could generate roughly 53 million tons of refuse if mining is permitted, which would be disposed in authorized facilities on private land.

Subsidence

Ground subsidence over coal mines (underground) may occur as a result of inadequate pillar thickness for the depth of the mine, the thickness of the seam removed, and the thickness, and lithologies of the roof rock. Extensive fracture systems or faults may intensify the effects of subsidence.

Pillar density of 50 percent, and ground cover or roof thickness of the proposed underground operations is expected to be about 200 to 300 feet with one to three thick, massive, sandstones layers within that cover. These factors indicate surface subsidence is unlikely.

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### Hydrology

The proposed lease area is drained principally by the East Fork of Twelvepole Creek, and its tributaries. Stream valleys are covered with Quaternary-aged alluvium consisting primarily of sand and silt with lesser amounts of clay and gravel. The physical characteristics allow these deposits to function as aquifers which both store and transport groundwater. These alluvial aquifers are present along the stream valleys of the proposed lease area, and vary in elevation from 800 to 950 feet (AMSL) within the proposed lease area. The thickness of these unconsolidated deposits is estimated at 20 feet. Alluvial aquifers tend to capture a portion of water derived from precipitation, which would otherwise leave the area as surface runoff. Water stored in the alluvium contributes recharge to underlying bedrock aquifers, and may recharge streams, thereby sustaining base flows.

The groundwater occurs in both unconsolidated alluvial materials and consolidated bedrock. Availability and movement of the water is controlled by both primary and secondary permeability features. Primary permeability is related to intergranular pore space of a lithologic unit. Secondary permeability consists of open fractures within, and across lithologic units, providing groundwater migration. The primary permeability of the Pennsylvanian strata present in the proposed lease area is generally too low for development as a water source. Water wells completed in strata absent of fractures generally produce inadequate water supply. Currently there are domestic water wells producing from the Pennsylvanian strata in the area.

Natural fractures occur in rock units as a result of erosion, and removal of overlying rock layers, resulting in compressional stress loss. These stress-relief fractures are generally vertical along valley walls, and are generally horizontal under valley floors. The presence and development of stress-relief fractures provides vertical and horizontal groundwater migration. Furthermore, stress-relief fracture development allows for the interconnection of perched aquifers with underlying bedrock and alluvial aquifers. As a result, the perched aquifers recharge water to underlying aquifers.

The groundwater in the proposed lease area moves toward the north-northwest, parallel to the local dip. Two local geologic structures, the Doane Anticline and the Queen's Ridge Syncline, exert some influence on groundwater, although topography may be more influencing than the structure. Additionally, re-direction of groundwater flow due to natural jointing systems, and stress-relief fractures present in the rocks is possible. These fractures and jointing patterns may be modified, and enhanced as a result of coal mining.

In the event that mining occurs within the proposed lease area, the local groundwater regime might be affected. Underground mining of the Coalburg/Winifrede and/or the No. 5 Block seams may open existing fractures and jointing systems in the overlying strata, which in turn, may produce dewatering of overlying perched aquifers. Since all the aquifers may be affected by the proposed mining operation are classified as perched aquifers, water recharge is a direct result of seasonal precipitation. Consequently, the variation in seasonal precipitation rates will directly influence the amount of water present in the perched aquifers. Potential perched aquifers within

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the proposed lease area include the various splits of the No. 5 Block coal seam, and Stockton coal seam. The Coalburg/Winifrede coal seam may also act as a perched aquifer.

Upon abandonment, wet seals would be constructed at the entries, allowing the movement of water through the seals, and accumulation within the mined area. Outcrop seepage along the outcrop barriers in the down dip portions of the mined areas would be analyzed if it occurs.

#### Acid Mine Drainage

Sulfur Fractionation analyses have been performed on the Coalburg/Winifrede seam in the proposed mining area. Sulfur may be found in coal and coal-bearing strata as organic sulfur, sulfate sulfur, and pyritic sulfur. Organic sulfur is generally believed to be organically bound within the coal. Organic sulfur is not reactive, and is not believed to affect the acid-producing potential of a coal seam.

Sulfate sulfur is produced as a result of weathering and oxidation of sulfide sulfur. Being a product of weathering, sulfate sulfur is not prone to acid production by oxidation.

Pyritic sulfur, however, has been associated with the potential acidity of strata, and in consequence, is the form of sulfur connected to acid mine drainage. The Coalburg/Winifrede coal seam contains a total sulfuric content of about 0.56 percent within the proposed lease area. Pyritic sulfur content for the Coalburg/Winifrede seam shows an overall weighted average of 0.05%, which is the limit of detection. In mining of the private coal adjacent to the federal lands, alkaline waters have been measured.

#### Mine-Avoidance Area

Safety zones or buffers would be established around, and underneath certain surface structures to safeguard the integrity of those structures during mining. There are a variety of federal and state laws which the successful bidders would need to comply with. Within the proposed lease area, existing and future gas wells and the East Lynn Lake Reservoir will have the greatest effect on potential mining.

#### **Private Oil and Gas Development on the Proposed Lease Tracts**

When the East Lynn Lake Project was acquired by the Department of the Army in the late 1960s, the majority of the surface and mineral rights, including the coal deposits, were conveyed to the Department of Defense. The oil and gas rights remained vested in private ownership. As a result, if the Proposed Action is selected and this RFDS is implemented, the successful bidder(s) would encounter about 144 in-place gas wells which must be avoided by a buffer zone. Both state and federal regulations control the buffer to be left in order to safely isolate the two extractive operations; West Virginia requires a permit from a coal operator if the mine approaches within 200 feet of a gas well, while the Department of Labor's Mine Safety and Health Administration (MSHA) would require permits if mining were planned to advance within 150 feet of a gas well. Substantial tonnages of coal may be removed from a mining reserve base by wells – a 200-foot buffer around a single gas well in the proposed lease area

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would remove about 7,800 tons of coal from production. In addition to an estimated 144 wells existing on the minable portions of the East Lynn Lake property, applications to drill four gas wells within one of the application areas were recently submitted to the West Virginia Office of Oil and Gas. This conflict could be an issue within the proposed lease area in the future, but the actual tonnage of coal lost to gas wells appears to be a function of mine design.

The establishment of buffer zones around and under the East Lynn Lake reservoir would be in accordance with state and federal regulations and guidelines. The Department of Labor's Mine Safety and Health Administration has regulatory oversight regarding the establishment of safety zones beneath bodies of water. The Applicants have proposed setting up buffers around the perimeter of the impoundment, extending outward a distance of 200 feet in all directions, creating a zone of no extraction beneath the reservoir. Additionally, outcrop barriers of about 150 feet would be established between the mine and those areas where the coal seam outcrops at the surface.

Additional information on the proposed private oil and gas development on the proposed lease tracts is presented in the *Reasonably Foreseeable Development Scenario for Private Oil and Gas Ownership Associated with Lands of the East Lynn Lake Project Area*, which is an attachment to this document.



## **Attachment 1**

# **REASONABLY FORESEEABLE DEVELOPMENT SCENARIO FOR PRIVATE OIL AND GAS OWNERSHIP ASSOCIATED WITH LANDS OF THE EAST LYNN LAKE PROJECT AREA**

**June 8, 2007**

### **Introduction**

Oil and natural gas resources have been produced from sandstone, limestone and shale reservoirs underlying the U.S. Army Corps of Engineers' (USACE) East Lynn Lake project area (ELL), Wayne County, West Virginia since before 1930.

In 1937, the USACE was authorized to construct flood-control facilities along the valley of the East Fork of Twelvepole Creek, but the land acquisition for the project was not completed until 1970. The USACE's acquisition strategy included purchase of surface and all mineral rights other than oil and gas, because acquisition of the producing oil and gas leases would have been prohibitively expensive. Roughly 1800 acres of oil and gas rights were purchased around the dam site to avoid conflicts with dam and reservoir operations.

The State of West Virginia has records of at least 144 wells drilled to various depths throughout the proposed coal lease area. Seventy of these wells are reported to be plugged and abandoned, but it is likely that other wells were drilled on the property before state regulation of wells took effect.

One of the current oil and gas leaseholders of record, Chesapeake Energy Corporation (CEC), has applied for state permits to drill at least four more wells within the coal leasing request area. The impacts of the new development as well as the impacts of the existing active wells must be taken into account for an accurate assessment of cumulative impacts to the environment to be made.

### **Background**

CEC, the primary proponent of the natural gas development in the prospective lease area, has not informed BLM of their development plans beyond the current permit applications. However, the current state of development on the property allows broad projections of activity to be made.

Drilling on the property has been taking place since at least the early 1920s, when the "East Lynn" gas field was depicted on a state map of producing areas. This map also showed small oil-producing areas, probably reservoirs in Pennsylvanian or upper Mississippian sandstones.

At least six different gas-productive zones are known to occur in the area, including the Big Lime, Big Injun, Squaw, Berea, and two or three zones within the Devonian shale (drillers' terms for these productive zones are used to match the IHS/PI reference cards used for this study). The shallower productive zones have been produced extensively for many years. The Devonian shale zones have more recently been added to the natural gas



**Reasonably Foreseeable Development Scenario for Private Oil and Gas Ownership  
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producing zones; wells have been drilled outside the proposed lease area since the mid-90s to produce from the shales.

*Shale Gas Systems*

Devonian shale gas reservoirs are considered unconventional sources of natural gas, because they differ from traditional reservoirs in several important ways. Shale gas accumulations are continuous on a regional scale, are neither structure-dependent nor density-stratified, and do not have a water base. In order to establish production from the shales using conventional production methods, at least three reservoir characteristics must be present:

- high quantities of kerogen in the black-shale source rocks
- appropriate thermal maturation, and
- natural fracture systems to provide permeability.

Devonian shales in the region consist of varying proportions of gray shales and siltstones interbedded with brown or black, highly organic shales. Natural gas is generated as the kerogen in the black shales is heated during diagenesis (burial, dewatering, regional stress, exothermic chemical reactions). The gas is held (adsorbed) within the clays by weak chemical bonds. As adsorption sites are filled, free gas is generated and distributed into voids and permeability channels within the shales. At some point the free gas must migrate out of the shale or gas generation ceases due to increased pressure.

Gas migrates along pressure gradients from the organic shales to reservoir rocks through small fractures and other permeability channels, then is distributed through and trapped within the reservoirs. When equilibrium conditions are reached, gas formation within the system ceases, but much of the gas generated in the shales is unavailable for production.

Where organic shales (or interbedded siltstones and shales) form reservoirs, gas generated in the shales is concentrated within the reservoir and migrates directly to the well. For this reason productive shale-gas systems are more efficient than typical source-migration-reservoir systems.

The western Appalachian Basin contains thick black shales of sufficient thermal maturity to generate hydrocarbons, but natural fractures are also necessary to create shale reservoirs. Natural fracture systems are caused by stresses in rocks. In this area of the central Appalachians, stress factors include:

- (1) Compression related to the Alleghenian orogeny,
- (2) Incipient compression associated with spreading along the Mid-Atlantic Ridge.



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Should gas be encountered in the conventional reservoirs above the Devonian shale sequence, it can be co-produced with shale gas.

Production volumes: Information available from the West Virginia Department of Environmental Protection, which regulates mineral extraction activities in the state, indicates that productive capacities of wells in this area vary widely. Dry holes are rarely drilled, but some wells may produce as little as 50 million cubic feet of gas prior to plugging, while others may produce 500 million cubic feet or more. The production figures are skewed somewhat due to the many old wells which have been repeatedly deepened and recompleted; state production records generally don't go back beyond 1985.

**Description of the Proposed Action**

Based on a 1500-foot distance between wells (roughly 40 acre spacing, typical in the area), about 325 wells could be drilled in the proposed lease area. Clearly, this number of wells is far beyond the actual number likely to be drilled, due to the depletion of the conventional reservoirs and the greater spacing anticipated for wells producing from fracture zones. CEC has planned for drilling four wells this year. Should these wells be successful, it is likely that more wells will be drilled, probably at the rate of 2-4 wells per year, or a five-year total of 12-20 wells. It is unlikely that more than 20 wells will be drilled in the proposed lease area. Well lives in this area may exceed 20 years.

Drilling and Completion Operations: A typical well will be drilled within 1000 feet of existing roads or trails. In order to avoid steep slopes and difficult terrain, wells are likely to be drilled along ridge crests. Drilling pads and access roads will be cleared by bulldozer and the topsoil removed and stored for use during reclamation. Cleared timber will be sold. An average well will involve the clearing of one to two acres of drilling pad and up to one acre of road surface, assuming a road width of 40 feet. The USACE will be consulted prior to the conduct of any surface operations in order to ensure that surface resources and uses are not compromised.

Wells will be drilled to depths of about 4000 feet, generating roughly 2500 cubic feet of rock debris known as well cuttings. Several pits lined with plastic sheeting will be dug within the well pad to store well cuttings and any drilling fluid that may be used during the drilling. In this area, wells are often drilled with compressed air or air and mist. A typical drilling operation will last for up to ten days, and the well will be shut-in until well completion equipment can be brought to the site. Often several wells will be drilled in sequence and completion of all will be done when completion equipment is available. Drilling operations are conducted around-the-clock by three drilling crews.

Well completion involves hydrofracture, the high-pressure pumping of fluids or gases down the wellbore to the productive zone, which is isolated from the rest of the wellbore. Fine sand-like particles are forced into the voids created, propping the voids open to increase the permeability of the productive zone. "Fracking" a well allows impermeable



**Reasonably Foreseeable Development Scenario for Private Oil and Gas Ownership  
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("tight") reservoirs to produce commercially. Depending on the nature of the natural fractures, the engineer may determine that such completion techniques are unnecessary.

Assuming that the well is productive, production equipment is installed at the well head and a pipeline installed in the access road. Because this area has produced gas for many decades, there is an existing pipeline infrastructure into which the line may be tied.

Reclamation: Reclamation of the site begins shortly after well completion, when portions of the well pad are recontoured with topsoil and reseeded with native plants. Areas to be used for production are stabilized and may be graveled. If required, protective fencing is installed around the site. About ½ the original well pad is reclaimed in this manner.

If the well is dry, or as the production in the well ceases, the well is plugged. The exact plugging method may vary, but in general the hole is filled with concrete, the wellhead equipment is removed and the casing is cut off below ground level. All surface equipment is removed from the site and the remainder of the site is recontoured and replanted. In some instances the reclaimed site can be used for recreational purposes (campgrounds, picnic areas, playgrounds).

### **Projected Impacts**

It is important to note that all wells drilled are drilled under state law. Because the Federal government does not own the oil and gas rights, Federal standards for drilling, production and reclamation cannot be imposed on the operator.

The drilling and production of 12 to 20 gas wells on the proposed lease tract would result in short-term (up to six weeks) disturbance of 24 to 60 acres of land and long-term (20 years) disturbance of 12 to 40 acres. Each well would render roughly 7800 tons of coal unminable, for a total of 94,000 to 156,000 tons.

The wells would add incrementally to an already partly-industrialized rural area. Movement of personnel and equipment would increase traffic on the roads and trails of the East Lynn Lake facility during periods when drilling and completion is taking place; production-related traffic would continue at a reduced level after the completion of these activities as well maintenance and workovers take place.

Crews for drilling, dirt work and pipeline installation might include local workers, and local providers may be utilized for supplies and equipment, increasing local economic activity. Some recreational users of East Lynn Lake may be put off by the activity and decide to use other facilities for their recreational opportunities.

Wildlife use of drilling areas will decrease during active drilling and completion activities. As wells are completed and put on line, reduced noise and human presence will allow wildlife to reoccupy the areas.



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In many gas fields, reservoir brines are produced in small amounts with the produced gas. Separators and storage tanks may be used to collect the brines, which are removed during well maintenance; state law permits surface spreading of brines as well as treated liquid pit contents.

Sediment control is an important part of dirt work and drilling; sediment control fencing and fabrics are required to be used in sediment control. In some cases the construction of sediment ponds may be required. Access roads may require baffles and other barriers to allow runoff without creating gullies or other erosional features.

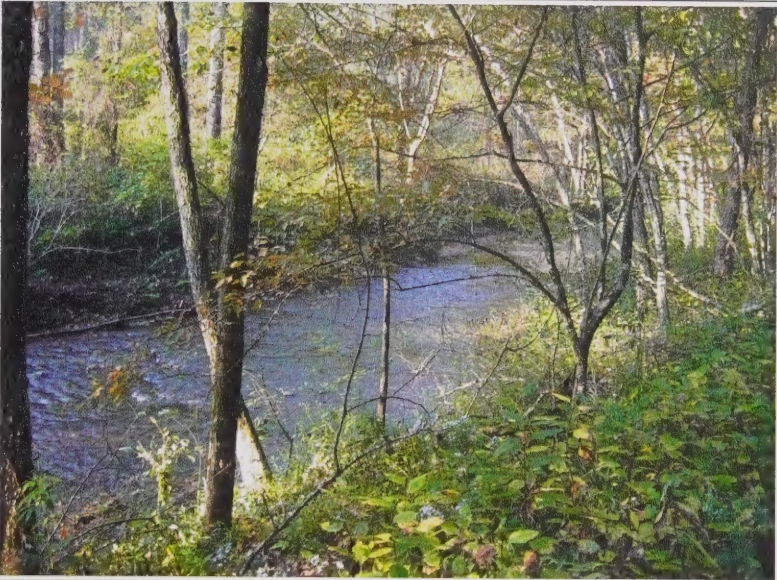













*Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease*

Description	Photographs
<p style="text-align: center;"><b>C-1</b></p> <p><b>Surface view within the USACE East Lynn Lake Project boundary</b></p>	
<p style="text-align: center;"><b>C-2</b></p> <p><b>View of East Lynn Lake from Dam (facing south)</b></p>	
<p style="text-align: center;"><b>C-3</b></p> <p><b>USACE East Lynn Lake Project Recreation Facility</b></p>	






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Description	Photographs
<p align="center"><b>C-4</b></p> <p><b>USACE East Lynn Lake Project taken from Ferguson Branch Road (CR 52/21)</b></p>	
<p align="center"><b>C-5</b></p> <p><b>View of Rich Creek on East Lynn Lake Project, showing typical disturbance from ORVs</b></p>	
<p align="center"><b>C-6</b></p> <p><b>USACE East Lynn Lake Project (facing south)</b></p>	 <p align="center">East Lynn Lake, WV East Lynn Lake and Dam, Overall View</p>






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Description	Photographs
<p style="text-align: center;"><b>C-7</b> <b>Continuous Miner</b></p>	
<p style="text-align: center;"><b>C-8</b> <b>Roof Bolter</b></p>	
<p style="text-align: center;"><b>C-9</b> <b>Conveyor</b></p>	



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Description	Photographs
<p align="center"><b>C-10</b></p> <p><b>Existing forested conditions over active, underground, room-and-pillar mine</b></p>	
<p align="center"><b>C-11 Family Cemetery in the East Lynn Lake Area (facing north)</b></p>	
<p align="center"><b>C-12 Route 37 near USACE East Lynn Lake Dam, and typical roadside geology</b></p>	









**APPENDIX D**  
**FEMA FLOOD MAPS**































**APPENDIX E**

**UNDERGROUND MINING AND SUBSIDENCE**







**Comment [r1]:** Edited to include substantial parts of the Preliminary Subsidence Analysis (BLM 2007d)

This appendix presents a description of the mechanisms that cause subsidence due to underground mining. It also summarizes the impact analysis prepared to assess potential subsidence if the Proposed Action and the Reasonably Foreseeable Development Scenario (RFDS) are implemented (BLM 2007d).

## Background

Underground mining can be performed using one of several methods. Long-wall mining and room-and-pillar mining are two common types. Long-wall mining removes all of the coal in a large panel, leaving only panel-separating barrier pillars in place. Room-and-pillar mining removes coal from areas known as “rooms,” and leaves coal between the rooms in pillars which support the roof. Room-and-pillar mining with low extraction removes coal from “rooms” on the way into a mine—a process known as “first mining”—and leaves these pillars in place. Total extraction room-and-pillar mining removes coal from the rooms on the way into the mine, and then removes coal from some or all of the “pillars,” on the way out of a mine—a process known as “second mining” or “retreat mining.”

### Vertical Movement

Deformation of the roof is reflected on the surface as subsidence, which can have negative surface effects in terms of vertical movement and horizontal strains. The area defined by the surface vertical movement is sometimes referred to as the subsidence bowl. The subsidence bowl is defined by planes connecting the edges of the subsidence to the edge of mining. The angle that these planes make to the vertical is known as the angle of draw. The area of the subsidence bowl is always larger than the area of the mined opening. As the depth to the mined seam increases, the vertical extent of subsidence tends to decrease, due to this spreading out effect. Vertical movement accompanying subsidence can cause changes in surface drainage patterns and lead to the development or expansion of flood-prone areas, can disrupt the flow in surface streams.

Most of the vertical movement that causes damaging subsidence occurs above total-extraction operations, such as long-wall mining, or above high extraction room-and-pillar operations. In a long-wall mine, roof collapse occurs behind the point where the active coal mining is occurring within a panel, known as the mining face. This roof collapse often leads to surface subsidence. In a room-and-pillar mine with high extraction, the small pillars collapse soon after mining is completed. This collapse often causes roof collapse and can cause surface subsidence. In a room-and-pillar mine with low extraction, the larger pillars often provide long-term support and stability to the roof, preventing or delaying collapse and eliminating or minimizing subsidence. In the absence of second mining, coal companies often are able to leave pillars large enough to support the overburden.



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Pillar stresses can be calculated to determine the stability of the pillars and the size needed to support the overburden. However, even if pillars are adequately sized, the overburden can be subjected to various degrees of movement. If the floor is weak, pillars can be pushed down into that floor, an event known as pillar punching. The exposed roof rock could fracture or cave into the mine.

#### Horizontal Strain

Collapse of the roof above a mined opening leads to vertical movement which can be seen on the surface as subsidence, as well as horizontal movements which accompany the uneven lowering of the land surface. These horizontal movements, and the tilting at the edges of the subsidence bowl usually cause the greatest damage. Figure E-1 shows typical subsidence bowls, and the horizontal strains associated with them. The upper diagram on figure E-1 shows the development of strains for a smaller underground opening, the lower ones for a larger "super-critical" one. These strains occur because the land surface is stretched (under tensile strain) at the edges of the bowl and shortened (under compression strain) in the center to accommodate the vertical subsidence movements. The tensile strains near the edge can lead to cracks being developed on the surface, which can lead to damage to road surfaces, dislocation of dam structures, lake containment features, recreational facilities and cemeteries. Compression near the center of the bowl can lead to damage to roads, and buildings. In addition to these surface strains, the tilt associated with the lowering of the land surface at the center of the subsidence bowl can affect stream flow.

In table E-1, the "tolerable range" of horizontal strain refers to those strains (or surface extensions) above which noticeable damage may occur. Noticeable damage might include surface fractures allowing drainage of wetlands or other water bodies into the underground, or displacements leading to newly developed scarps on the surface or damage to surface structures.

**Table E-1  
Horizontal Strain Tolerance Levels**

Surface Features	Tolerable Range	
	Horizontal Strain (inches/inch)	Slope (feet/foot)
Pasture, woodland, range, or wildlife food and cover	$5.0 - 10.0 \times 10^{-3}$	$250 - 660 \times 10^{-3}$
Wetlands	$5.0 \times 10^{-3}$	$30 - 80 \times 10^{-3}$
Lakes, ponds, marshes, rivers, streams	$5.0 - 10.0 \times 10^{-3}$	

Source: National Coal Board 1975



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Assessing Severity of Damage

The severity of damage to surface structures is commonly classified using the criteria specified in table E-2. The severity is rated from slight to very severe and is based on the characteristics of cracks found in basement walls or on the floor slabs (Peng 1992).

**Table E-2  
Subsidence Damage Classification, North Appalachian Coalfield**

Class	Characteristic Basement Damage	Severity Index
I Slight	• Hairline cracks in one or more basement walls and possibly floor slab.	0
	• Some cracks in perimeter walls causing loss of water tightness.	
	• Repointing required in some or all walls.	1
II Moderate	• Cracks in one or more basement walls and floor slab.	1
	• Some wall/footing reconstruction and floor slab replacement required, as well as local repointing.	2
III Severe	• Crack in one or more basement walls and floor slabs.	2
	• Possible wall instability and loss of superstructure support, requiring shoring and bracing.	
	• Extensive repair work involving wall/footing reconstruction and floor slab replacement.	4
IV Very Severe	• Cracks typically in all basement walls, as well as floor slab.	4
	• Possible instability of several walls and loss of superstructure support, requiring extensive shoring and bracing.	
	• Possible significant tilt to home.	
	• General reconstruction of basement walls, footings and floor slab required.	
		5
Source: Bruhn and others 1983 in Peng 1992		

**Impact Analysis**

Extraction of coal leads to the potential for collapse of the roof materials and closure of the extracted opening. This in turn causes deformation of the overlying strata which is reflected on the surface as subsidence. The extent of subsidence is a function of the amount of collapse and closure at the seam level, the properties of the overlying materials and the depth below surface. The area affected by subsidence tends to become larger as the depth to the extraction zone increases: the lateral extent of the subsidence bowl is defined by the planes of draw which connect the edge of mining to the edge of any surface effects. Due to this spreading out effect the vertical expression of subsidence tends to decrease as the depth to the extracted zone increases.



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Surface damage due to subsidence can be caused by vertical movement, which can lead to flooding and change of flow patterns, but the greatest damage is usually caused by the horizontal movements accompanying the uneven lowering of the land surface and tilt at the edges of the subsidence bowl. The horizontal deformations can cause tensile strains towards the edge of the subsidence bowl, which can lead to surface fractures, and compression near the center. Subsurface effects on aquifers can be caused by fracturing of the strata as a result of the collapse into a mined void.

Most damaging coal mine subsidence occurs above total extraction operations, such as longwall mining, or over high extraction ratio room and pillar operations where second mining on retreat consists of removing all or most of the pillars left on the advance: in this case the small pillars left collapse under the overburden loads leading to collapse of the overburden. Where no second mining occurs, as is the case here, the pillars left after mining are often of sufficient size to support the roof. In this case the deformations at the mining level are limited to the degree of shortening of the pillars under increased load together with some minor roof deformation, and the resulting surface effects are minimal.

**Proposed Mining Factors**

The development of surface subsidence is dependent on a number of factors related to the mining plan, properties of the coal and overburden and depth of cover. The same factors will control any impacts of mining on overlying aquifers. In most cases mining plans can be, and are, adjusted to protect sensitive surface features such as structures, lakes and streams. Mining Factors used for this analysis are based on factors determined by the BLM and specified in the RFDS, as well as those used in nearby mining by the applicants. The strength and susceptibility of the coal pillars and overburden materials to damage and fracture are based on data provided by the applicants in various submittals.

The mining factors and protective barriers used for this analysis are listed below:

Factors specified in the RFDS include:

- Crosscuts are driven on 90 degree angles;
- Mining is generally on a 9-entry system on 60 feet and 80 feet centers;
- Average mining height is six feet; and
- There will be no second mining

Factors based on existing nearby mining

- Typical mining patterns at existing Argus mines is for 20 ft rooms on 70 ft centers with 50 ft square pillars. Rockspring uses a similar geometry, often mining on 60 ft by 80 ft centers with 20 ft rooms;



- Based on this geometry, and the absence of second mining, extraction ratios are in the range of 50%;
- The minimum lake barrier width is 200 ft from the maximum pool elevation, 350 ft downward and out at an angle of 65 degrees;
- The protective angle of draw<sup>1</sup> for structures, residences, cemeteries and gas wells on the Argus property is 15 degrees;
- The protective angle of draw beneath perennial streams and highly populated secondary streams on the Rockspring property is 30 degrees; and,
- The minimum overburden thickness is 100 ft, and the maximum is 750 ft. Mining will not occur where the overburden is less than 100 ft.

In second mining, with substantial pillars left after mining is complete, the potential for damaging surface subsidence is dependent on the long-term stability of the pillars, and thus on the pillar size relative to the overburden load, and thus to the concentration of pillar load due to the percent recovery. Pillar stresses have been calculated by the applicants as part of their normal mining plan in order to determine the stability of the pillars.

### Roof and Floor Conditions

<sup>1</sup> The angle of draw is the angel between the vertical and the plane of draw, and defines the surface extent of the subsidence bowl relative to the extent of the mining.



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### Roof Conditions

- Good - one foot of draw rock is anticipated in areas where the shale roof overlies a rider seam.
- Good - zero to two feet of draw rock is anticipated in areas where sandstone is within two feet of the coal seam.
- Good - 0'-2' possible draw rock between sandstone roof and coal seam. Strong potential for seam erosion exists in areas where the sandstone roof is in direct contact with the coal seam.
- Fair - Sandstone/shale contact, 2'-8' potential draw rock beneath channel at contact
- Poor- Rider 2'-8' above coal seam
- Poor - areas with extreme coal splitting.
- Bad - Differential compaction, faults, slickensides along sandstone channel margins

### *Floor Conditions*

- Poor - coal benches are present and soft clayey material.
- Poor - combination of poor underlying strata and structural syncline
- Poor - 1-3" thick D bench situated a few inches below the coal seam.
- Poor - Multiple bedded E bench includes partings and displays cumulative thickness up to 3.5 feet. Probable soft floor conditions.

Even if pillars are adequately sized, the overburden can be subjected to various degrees of movement if either the floor is weak, leading to pillar punching, or if caving or fracturing of the exposed roof occurs. Given the size of pillars, and the resulting load concentration factors, pillar punching does not seem likely, nor was any evidence of this seen underground at the Rock Springs facility. In the absence of second mining, the pillar sizes are generally large enough to support the overburden and fracture zones are not present, and this appears to be the case in the lease areas. Occasional areas of roof caving at intersections were noted in the underground visit to Rockspring facilities, but these were localized, and were controlled by cribbing. It does not appear likely that these localized cave zones will extend more than a few feet upwards and will not contribute in any way to surface subsidence.



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**Potential Impacts**

Based on the analysis summarized above and presented in BLM (2007d), the subsidence impacts from the planned mining will be minimal and are not expected to be observable on the surface. Typical practice for protecting surface structures involves limiting the extraction ratio to 50 percent within an area 15 degrees downward from the surface and 15 feet from the surface structure in cases where the surface slope is less than 5 percent: the planned mining will have extraction ratios of the order of 50% throughout. No mining is planned under structures including gas wells, cemeteries and residences within the proposed lease tracts.

Other protective barriers are planned along East Lynn Lake and perennial stream valleys where the overburden is generally less than 100 feet and incidences of roof falls is possible (MM&A 2002). An adequate buffer is anticipated for these near surface areas to protect from any potential impacts. Impacts associated with water quantity diminution are not anticipated to be significant since it is unlikely that there will be appreciable subsidence effects on water resources.

The East Lynn Lake Dam is located 1,585 ft from the nearest boundary line within the proposed lease tracts. The dam is considered to be too far from the proposed mining to be affected, even if second mining did occur.

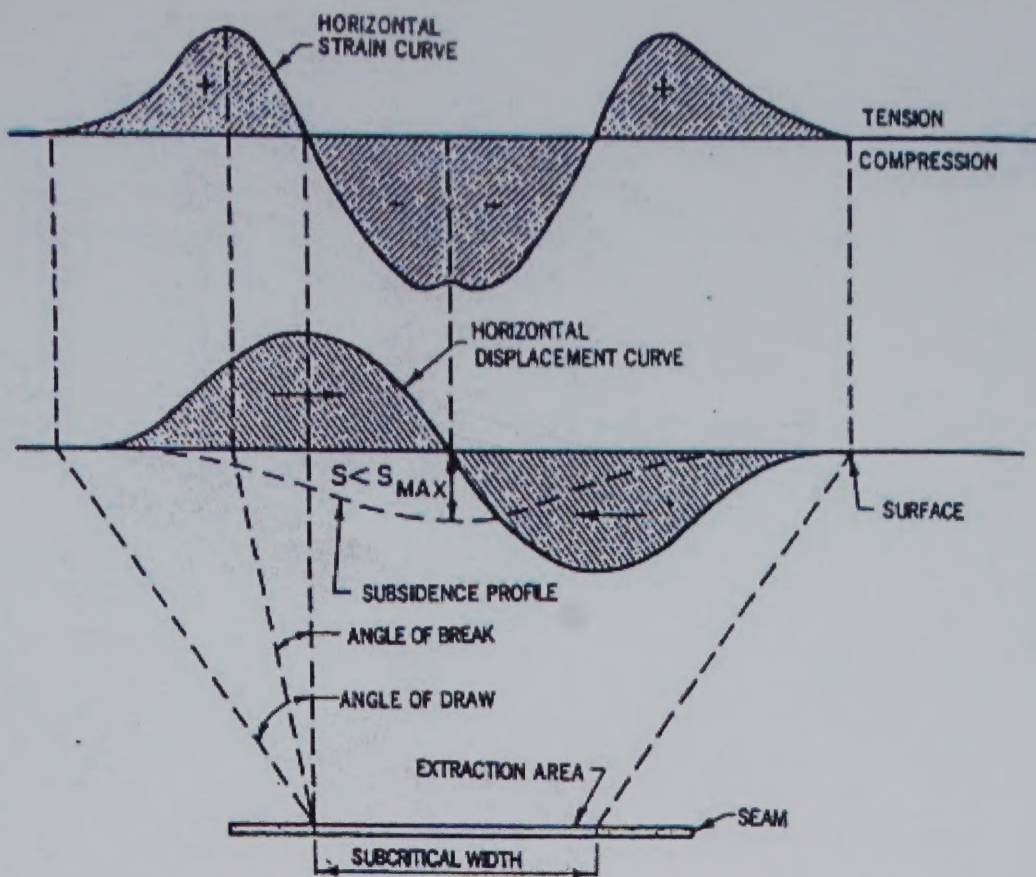
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- Rockspring Development, Inc. 2004.  
*BLM Coal Lease Application; East Lynn Lake Reservoir, Wayne County, West Virginia. (Application no. WVES-50560)*. East Lynn, WV: Rockspring Camp Creek Complex.

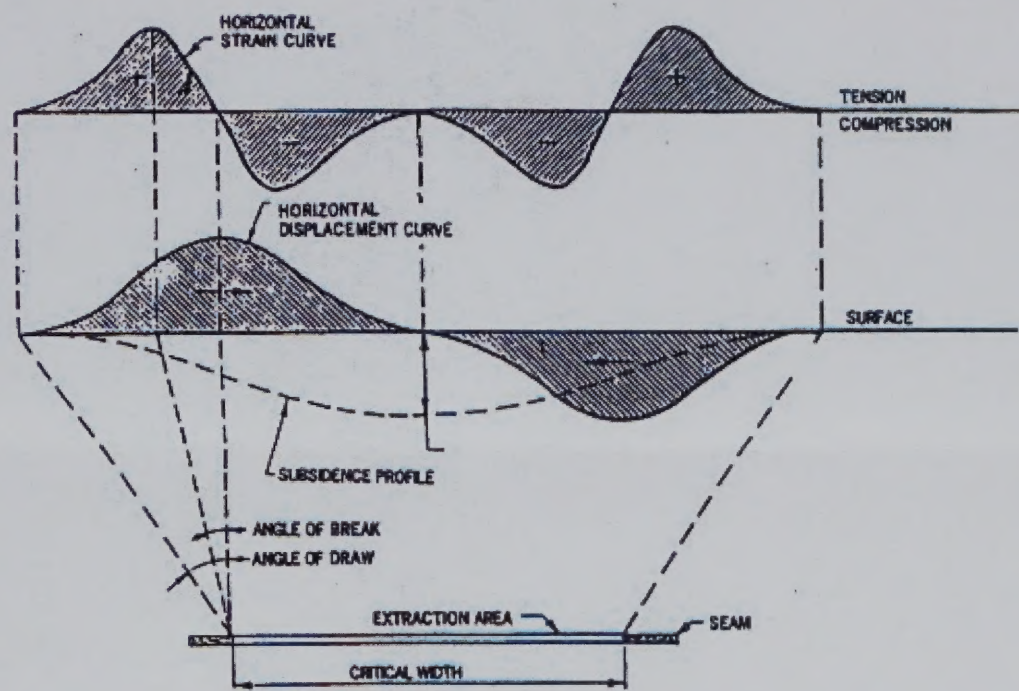




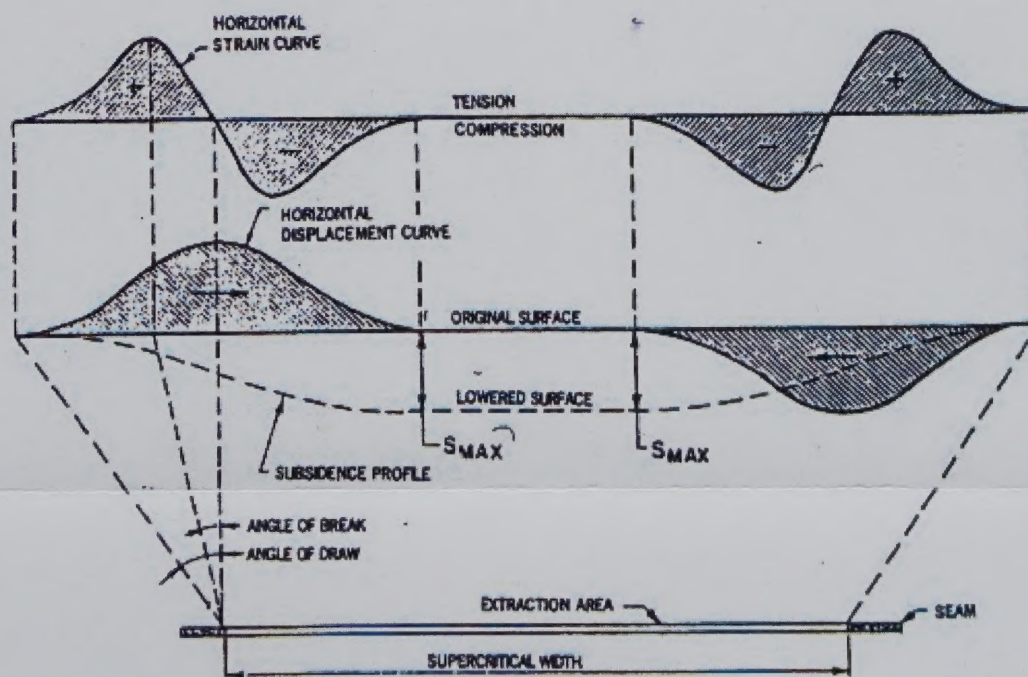




(a)



(b)



## REFERENCE

National Coal Board 1975

SCALE: N.T.S.



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WAYNE COUNTY, WV

## SCHEMATICS OF DISPLACEMENT AND STRAIN CURVES FOR VARIOUS WORKING WIDTHS

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DATE AR 02/10/2009

FIGURE E-1















**APPENDIX F**  
**OUTCROP SEEPAGE CALCULATION**







**Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease**

**Appendix F  
Outcrop Seepage Calculation**

A simple calculation using Darcy's Law was used to estimate flows across coal barriers (Freeze and Cherry 1979):

$$Q = KiA,$$

Where,

Q = total flow into or out of the coal seam (ft<sup>3</sup>/day)

K = hydraulic conductivity (ft/day)

i<sub>h</sub> = horizontal hydraulic gradient across the coal barrier (ft/ft)

A = surface area of coal in outcrop (ft<sup>2</sup>)

**Discussion of terms:**

The hydraulic conductivity (K) describes the rate at which a fluid can flow through that rock or soil unit. The K of a sandy gravel is much greater than the K of a clay material.

The horizontal hydraulic gradient (i<sub>h</sub>) is the net water pressure exerted across the coal barrier, which is either 150 ft in width (outcrop barrier) or 200 ft in width (lake barrier). This parameter is calculated by the amount of head in feet that is exerted on the barrier, divided by the width of the coal barrier. The values used are presented in the tables [below](#).

The area in this case is the cross sectional area of the coal. For this calculation, a coal outcrop length of 100 feet is used, and the coal is assumed to be 6 ft high. Thus the cross sectional area used is 600 square feet (sq ft).

**Values of K provided by others:**

The following values of K have been provided in various references. The values presented by McCoy et al. (2006) are for in-place coal barriers.

Range of Horizontal Hydraulic Conductivity (ft/day)	Source	
0.01 to 0.1	Rockspring	MMA, Modification Area No. 2, Attachment J-11.1
1.0	Argus	Attachment J-6 of Application for Competitive Lease, 1999
0.12 - 0.59		Isotropic Model - Pittsburg Coal Basin
0.24 - 1.1	McCoy, Donovan, & Leavitt, 2006	Face Cleat Anisotropy Model - Pittsburg Coal Basin
.072 - 0.32		Butt Cleat Anisotropy Model - Pittsburg Coal Basin

McCoy, Donovan & Leavitt, August 2006.

*Environmental and Engineering Geoscience* v 12(3) p. 273-282.



**Final Land Use Analysis and Final Environmental Impact Statement  
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The horizontal hydraulic conductivity (K) of the coal in-place has been estimated at a range of 0.01 ft/day to 0.1 ft/day by Rockspring in a number of their permit application documents (MM&A, Mod 1, Mod 2 and Mod 9), citing the anticipated hydraulic conductivity of in-place lignite coal. Argus used a value of 1 ft/day as an estimate in the Application for Competitive Lease document. Research by McCoy et al. is specifically for coal barriers in underground coal mines, and is particularly relevant here. The range considered in this analysis spans two orders of magnitude, from 0.01 ft/day to 1.1 ft/day.

**Outcrop Seepage Calculation Results:**

The calculations included here are estimates of seepage across the proposed coal barrier. Where the outcrop would be adjacent to East Lynn Lake, the 200-ft wide barrier width is considered.

Where the outcrop would be upstream of the lake, the 150-ft barrier width is used.

Seepage Out of the Outcrop (Mining Down Dip):

First the horizontal flow of water from within the proposed mine toward the outcrop face, which is exposed at the ground surface of a drainage, or along the lake front. The extent of the outcrop in plan view is shown on figure F-1. A schematic cross section of this scenario is illustrated on figure F-2.

The results of the calculation are provided below:

**Horizontal Seepage from Outcrop-- Area B  
South Side of East Lynn Lake**

	Low	High	comments
Horizontal K ( <u>ft/day</u> )	0.01	1	Refer to K values provided by Argus, Rockspring, and literature.
Head difference ( <u>ft/day</u> )	50	215	Assumes between 50 and 215 ft of maximum head accumulates behind the coal barrier.
Distance (ft)	200	150	Outcrop barrier and East Lynn Lake barrier widths
Horizontal hydraulic gradient ( <u>ft/ft</u> )	<u>0.250-33</u>	<u>41.43</u>	Note Calculated: Horizontal hydraulic gradient cannot exceed Head difference divided by distance
Cross sectional area of outcrop (sq. ft)	600	600	100 feet of outcrop with an average seam height of 6 ft
Outcrop seepage (gpm/100 ft of mine face)	<u>≤0.01</u>	<u>3-44.5</u>	Sum of water seeping from 100 ft of outcrop

Notes: The length of the outcrop along the lake shore is 14.2 miles

The length of the outcrop along the drainage upgradient from the lakeshore is 18.4 miles

The highest end of the range of seepage range estimates amounts to roughly a two quarts of water per minute, spread out over a 10-ft long stretch of outcrop. This water would make the rock outcrop wet, and moisture might present itself at the base of the outcrop. Less than 4% of the total outcrop length adjacent to the lake shore is within 20 ft of the 662-ft elevation of the lake

Comment [WW1]: Comment AG 3.3 from USGS

← 4.5 gpm  
Per 100 ft  
of mine face  
= .45 gpm / 10' face



**Final Land Use Analysis and Final Environmental Impact Statement  
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(total length = 0.55 miles, shown in green in figure F-3). Of the 18 miles of outcrop upstream of the lake, 24% of the outcrop is within 20 ft of the stream bank or creek bed (total length = 4.46 miles, shown in red in figure F-3, attached). A significant percentage of the water would infiltrate into the soil at the base of the outcrop, although some would evaporate from the rock surface. A small percentage of the seepage is likely to report directly to the lake or stream.

**Seepage Into the Outcrop from East Lynn Lake (Mining Up Dip):**

The second case addresses flow of water from the lake into the outcrop when mining up dip. A plan view map of coal outcropping below the mean summer lake level is shown on figure F-4, and illustrated in cross section on figure F-5.

A relatively short section of coal outcrops below the average summer lake level of 662 ft. Water levels above 662 ft are limited in duration, and were not considered. The calculation results are as follows:

Horizontal Seepage into the Outcrop - North Side of East Lynn Lake			
	Low	High	comments
Horizontal K (ft/day)	0.01	1	Refer to K values provided by Argus, Rockspring, and literature.
Head difference (ft)	27	27	Assumes coal outcrop is on lake bottom with avg. depth of 17 ft., and that the coal dips at 5% (10 ft of head)
Distance (ft)	200	200	Outcrop barrier and East Lynn Lake barrier widths
Horizontal hydraulic gradient (ft/ft)	0.135	0.135	Calculated: Head difference divided by distance Note: Horizontal hydraulic gradient cannot exceed 1
Area of mine face in cross section (sq. ft)	600	600	100 feet of outcrop with an average seam height of 6 ft
Seepage into mine (gpm/100 ft of mine face)	0.004 ≤ 0.01	0.42	sum of water seeping into 100 lateral ft of the mine

The length of the outcrop below the lake level of 662 ft is 0.21 miles, or 1114 ft.

Ultimately, seepage rates into the mine void from the lake would be very low, and should be considered negligible relative to the other flow components of the lake (evaporation, outflow, inflow, and net infiltration).

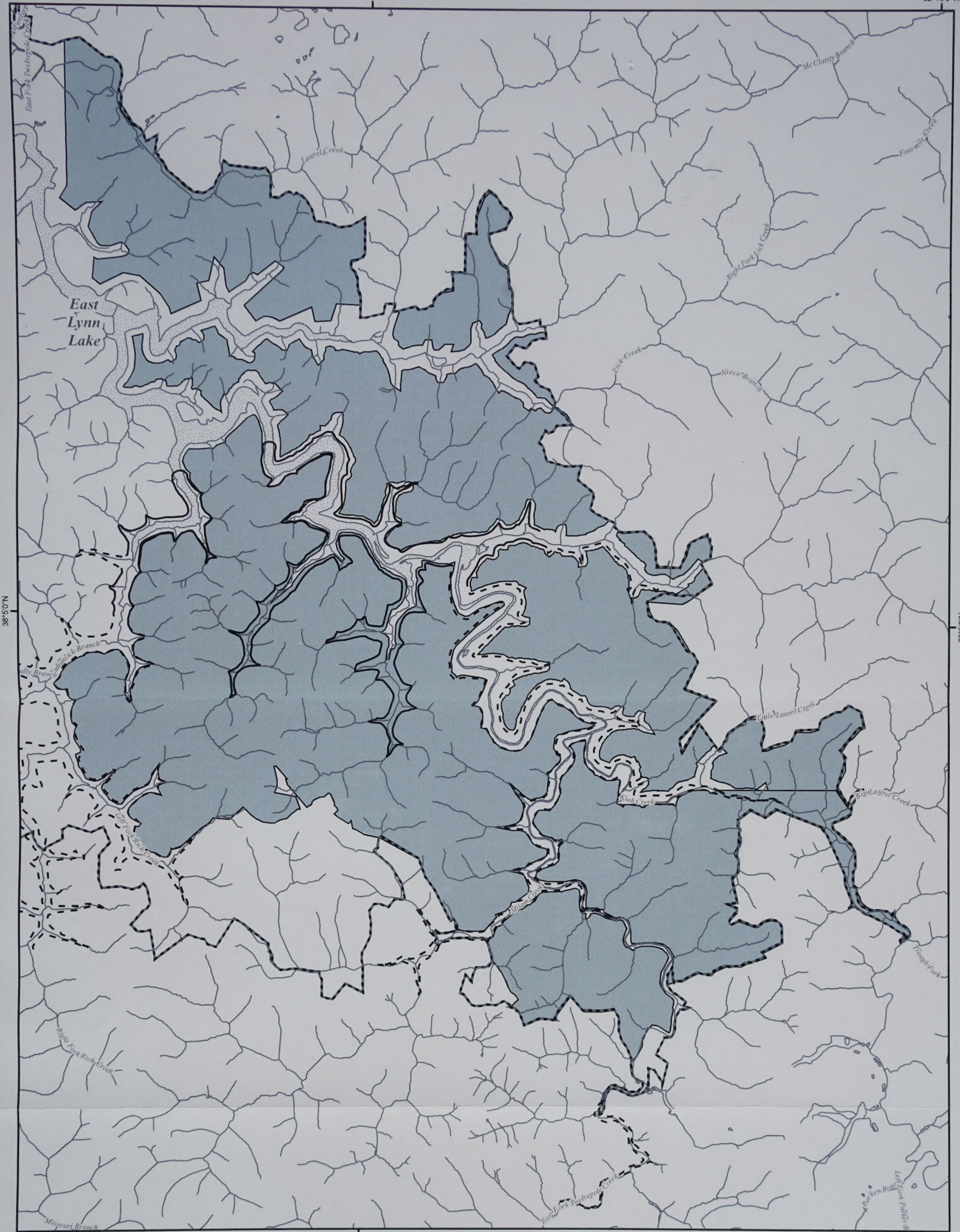






82°20'0"W

82°15'0"W



**LEGEND**

- Coalburg/Winifrede Seam Outcrop - Near Lake
- - Coalburg/Winifrede Seam Outcrop - Near Stream
- Stream
- Lake
- Proposed Lease Area
- USACE East Lynn Lake Project Boundary

**REFERENCES**

Coalburg seam outcrop: Argus Energy LLC (2006), Rockspring Development, Inc. (2006)  
Waterbodies: USGS (2007a)  
Proposed lease boundaries: Argus Energy LLC (2006), Rockspring Development, Inc. (2006)  
USACE ownership boundary: Maptech (1998)  
Projection: State Plane NAD 83 West Virginia South (feet)

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

N 0.5 0.25 0 0.5 Miles  
SCALE 1:48,000  
WHEN PRODUCED AT 11X17IN



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WAYNE COUNTY, WV

**COALBURG/WINIFREDE  
SEAM OUTCROP**

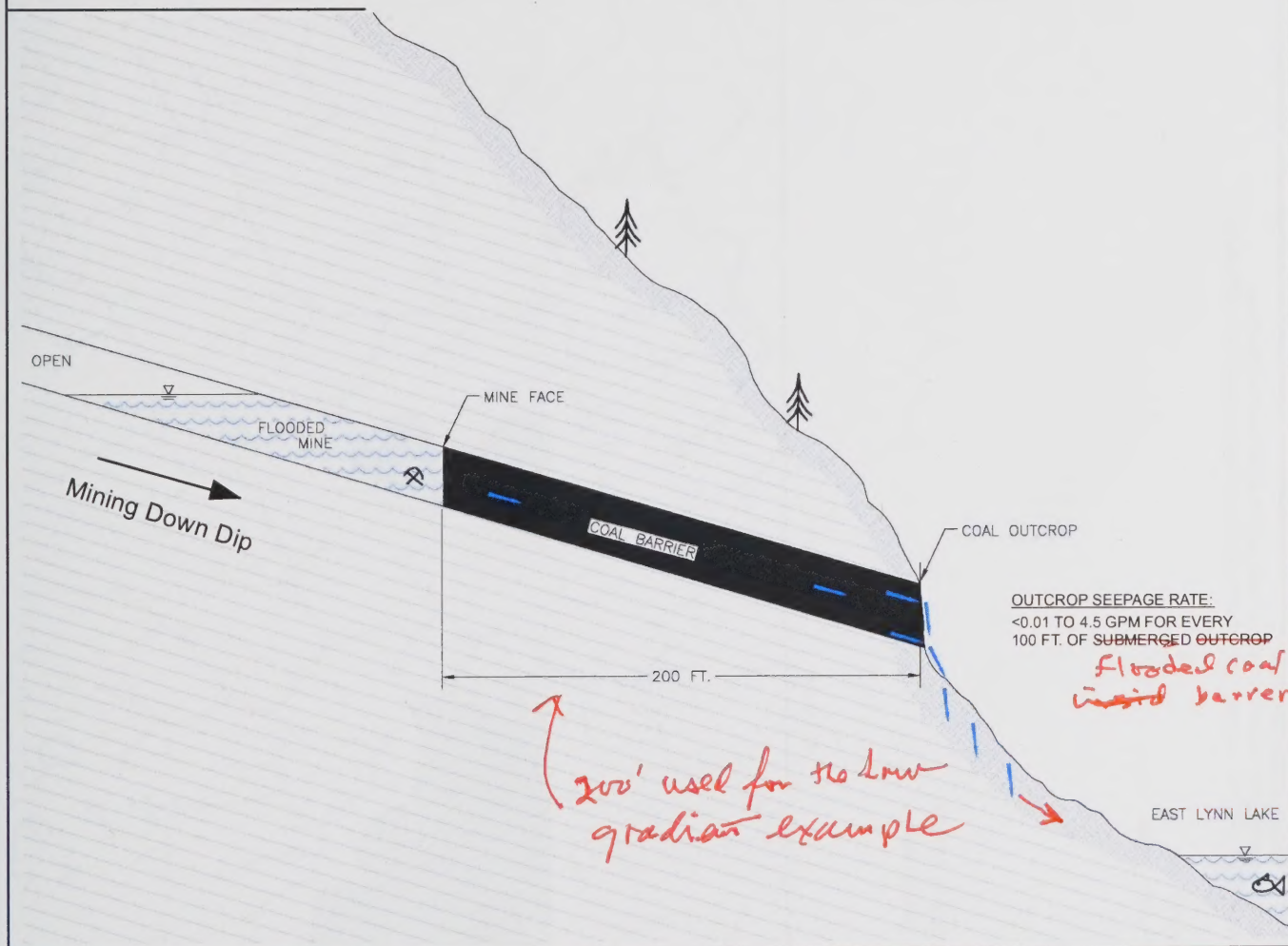
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DATE AR 02/10/2009

**FIGURE F-1**









## REFERENCES

Proposed lease boundaries: Argus Energy LLC (2006), Rockspring Development, Inc. (2006)  
 USACE ownership boundary: Maptech (1998)  
 Projection: State Plane NAD 83 West Virginia South (feet)

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 WAYNE COUNTY, WV

**MINING DOWN DIP**  
*Scenario 1*

FILE: 8-5x11\_ELL\_EIS\_MiningDownDip.mxd  
 DATE AJ 02/10/2009

**FIGURE F-2**

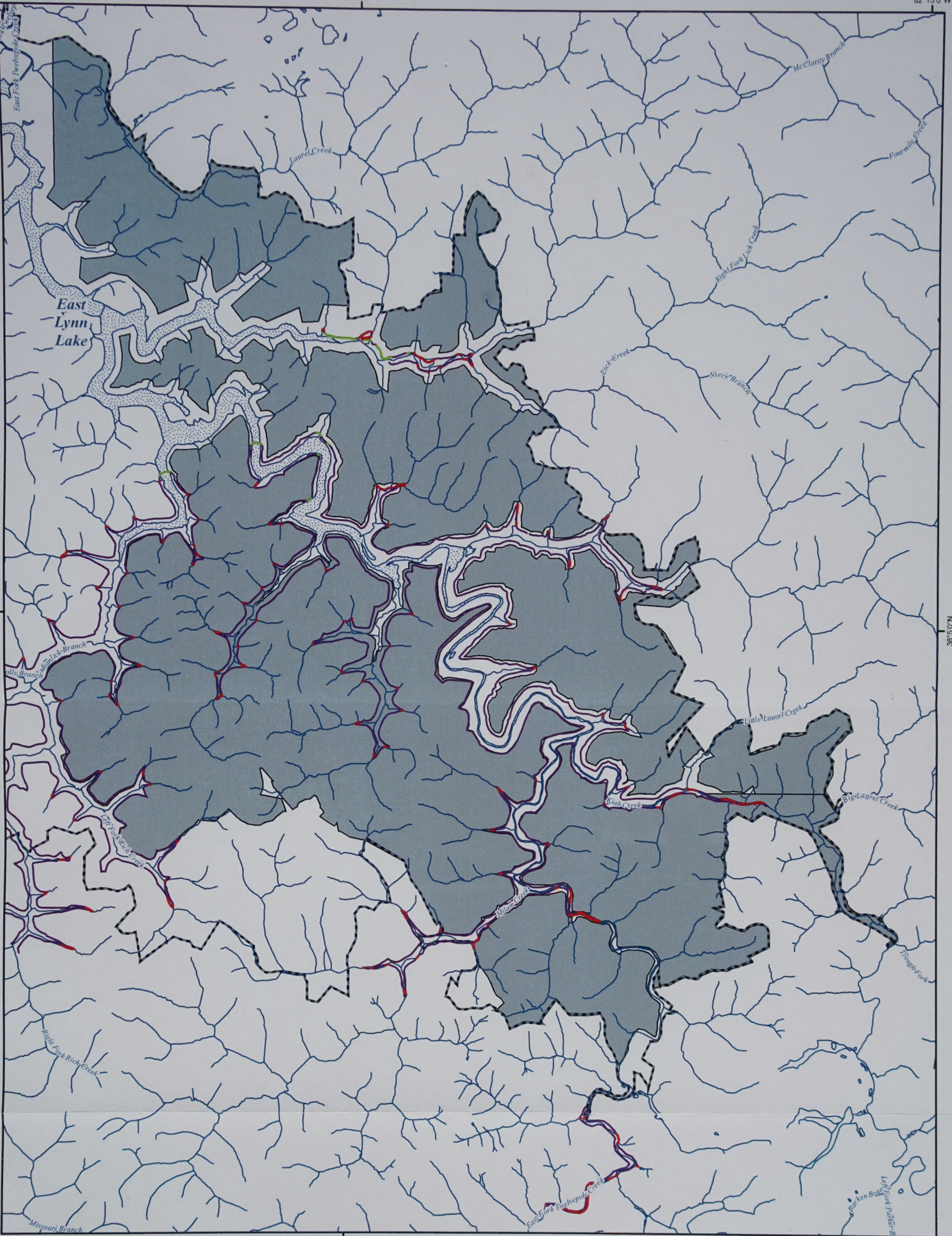






82°20'0"W

82°15'0"W



**LEGEND**

- Coalburg/Winifrede Seam Outcrop
- Coalburg/Winifrede Seam Outcrop Within 20ft of Lake
- Coalburg/Winifrede Seam Outcrop Within 20ft of Stream
- Stream
- Lake
- Proposed Lease Area
- USACE East Lynn Lake Project Boundary

**REFERENCES**

Coalburg/Winifrede seam outcrop: Argus Energy LLC (2006), Rockspring Development, Inc. (2006)  
Waterbodies: USGS (2007a)  
Proposed lease boundaries: Argus Energy LLC (2006), Rockspring Development, Inc. (2006)  
USACE ownership boundary: Maptech (1998)  
Projection: State Plane NAD 83 West Virginia South (feet)

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N



0.5 0.25 0 0.5 Miles  
SCALE 1:48,000  
WHEN PRODUCED AT 11X17IN



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WAYNE COUNTY, WV

**SECTIONS OF COAL SEAM  
OUTCROP WITHIN 20 LATERAL FEET  
OF LAKE SHORE OR STREAM BANK**

FILE 17\_ELL\_EIS\_GWOOutcrop20ft.mxd  
DATE AR 02/10/2009

**FIGURE F-3**

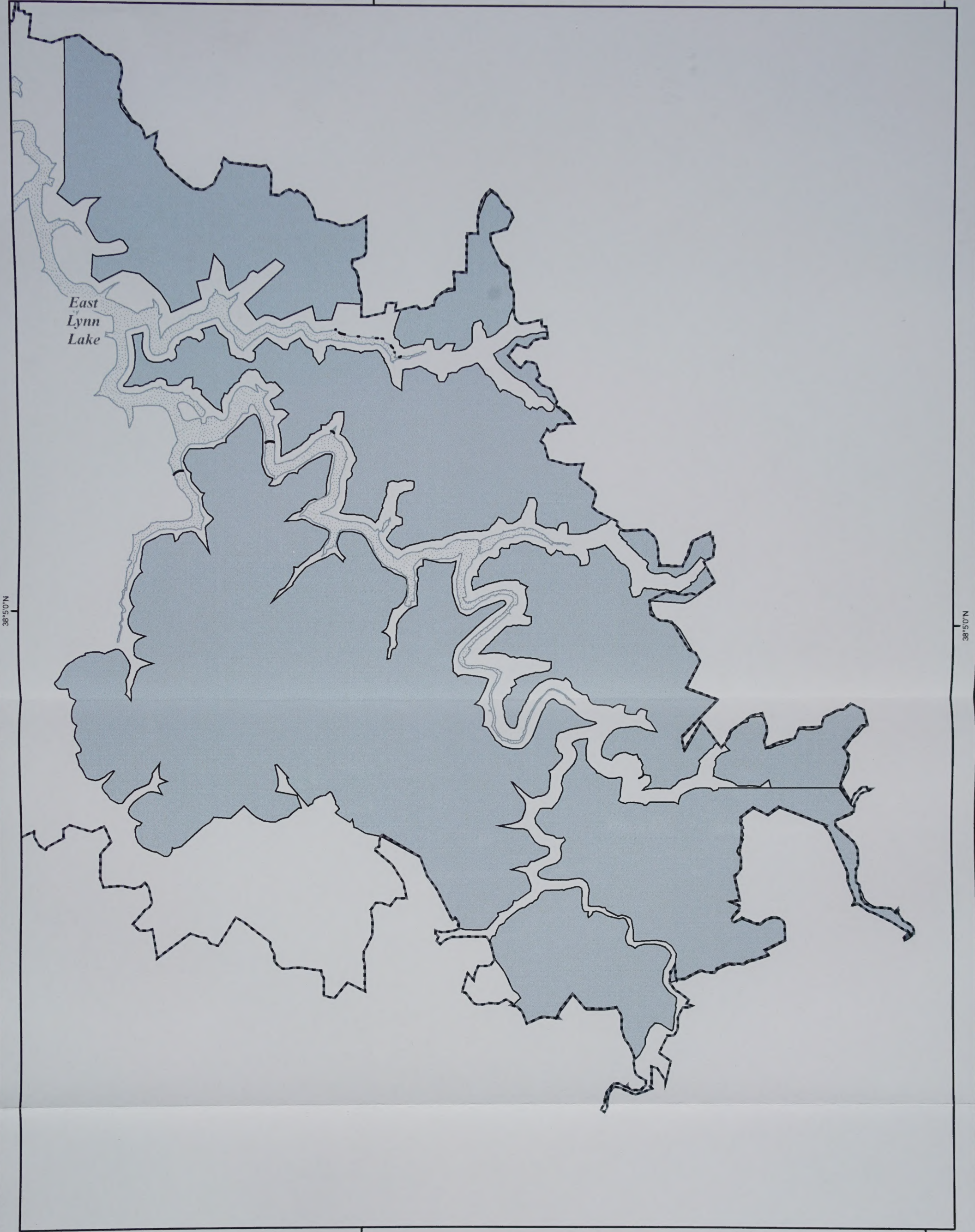






82°20'0"W

82°15'0"W



East  
Lynn  
Lake

38°5'0"N

38°5'0"N

82°20'0"W

82°15'0"W

## LEGEND

- Coalburg/Winifrede Seam Outcrop Below Summer Pool Lake Level (662ft)
- Summer Pool Lake Level (662ft)
- Proposed Lease Area
- USACE East Lynn Lake Project Boundary

## REFERENCES

Coalburg/Winifrede seam outcrop: Argus Energy LLC (2006), Rockspring Development, Inc. (2006)  
Waterbodies: USGS (2007a)  
Proposed lease boundaries: Argus Energy LLC (2006), Rockspring Development, Inc. (2006)  
USACE ownership boundary: Maptech (1998)  
Projection: State Plane NAD 83 West Virginia South (feet)

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N

0.5 0.25 0 0.5 Miles

SCALE 1:48,000  
WHEN PRODUCED AT 11X17IN



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WAYNE COUNTY, WV

**COALBURG/WINIFREDE SEAM  
OUTCROP BELOW THE 662-FT  
SUMMER POOL LAKE LEVEL**

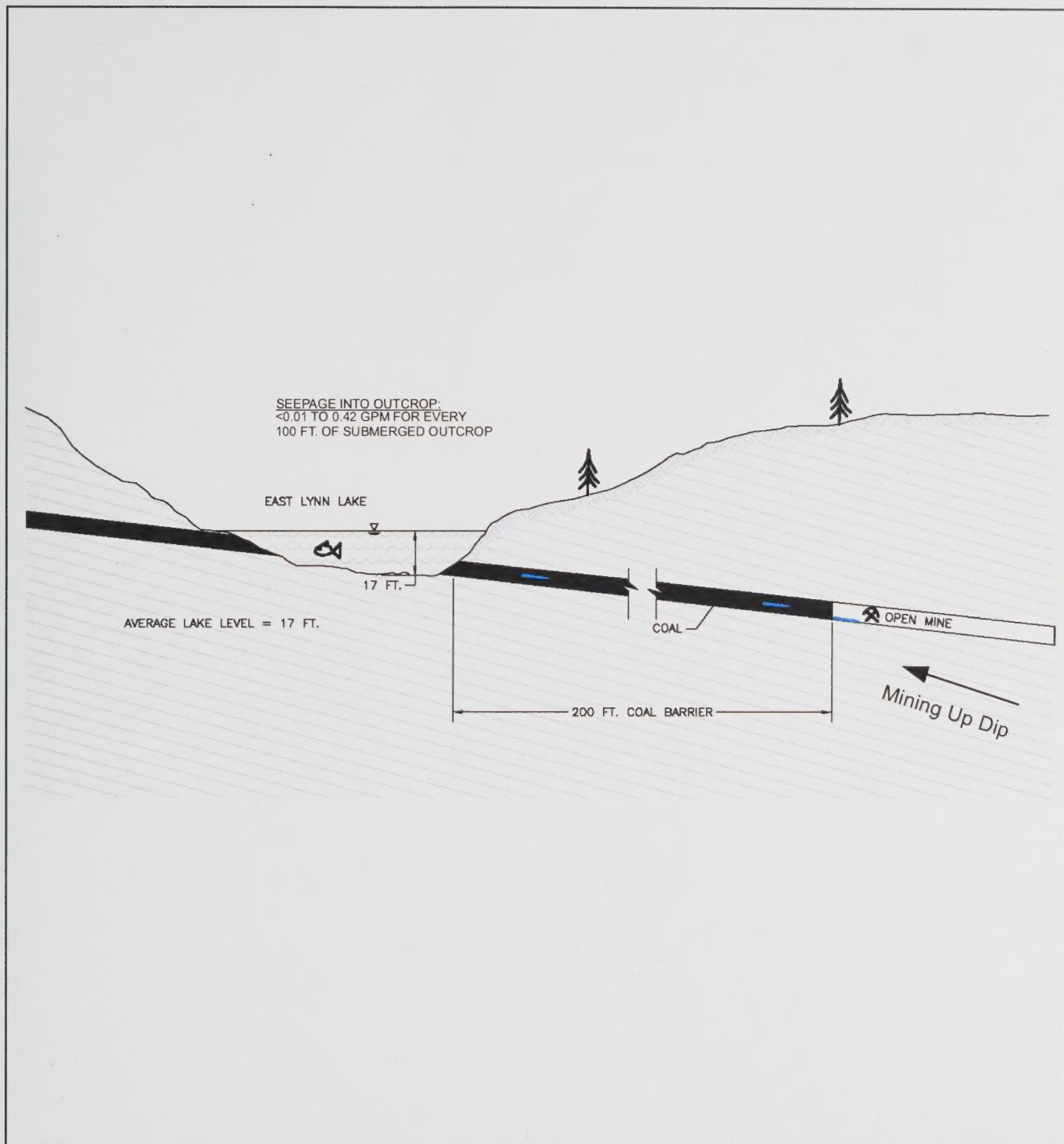
FILE11x17\_ELL\_EIS\_OutcropLake.mxd  
DATE AR 02/10/2009

**FIGURE F-4**









## REFERENCES

Proposed lease boundaries: Argus Energy LLC (2006), Rockspring Development, Inc. (2006)  
USACE ownership boundary: Maptech (1998)  
Projection: State Plane NAD 83 West Virginia South (feet)

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WAYNE COUNTY, WV

## MINING UP DIP

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DATE AJ 02/10/2009

FIGURE F-5















**APPENDIX G**

**EVALUATION OF ROCKSPRING  
ACID-BASE ANALYSIS DATA**







*Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease*

**Golder Associates Inc.**

44 Union Boulevard, Suite 300  
Lakewood, CO USA 80228  
Telephone: (303) 980-0540  
Fax: (303) 985-2080



**Appendix G  
Technical Memorandum**

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<b>TO:</b> Paul Williams & Beth Duvall	<b>DATE:</b> February 13, 2008
<b>CC:</b> File	<b>OUR REF:</b> 063-2239
<b>FR:</b> Jacob Waples	
<b>RE:</b> <b>ABA AND WATER QUALITY DATA FROM ROCKSPRING AND ARGUS MINES ASSOCIATED WITH THE COALBURG/WINIFREDE SEAM</b>	

---

**INTRODUCTION**

Golder Associates Inc. (Golder) examined data from existing and closed mines associated with the Coalburg/Winifrede seam for acid mine drainage (AMD) potential. The potential for AMD exists when sulfides oxidize, and this potential is generally associated with coal seams or other strata (ADTI 2000). However, whether AMD will actually occur is dependent on a number of complex factors (Nordstrom and Alpers, 1999), and may include rock type, mineralogy, weathering rates, reduction-oxidation conditions, rate of groundwater inundation or flushing, or other conditions within the mine.

Golder examined data for AMD potential. Rockspring provided data collected from their Camp Creek Mine and Argus provided data collected from their No. 3, No. 6, and No. 8 mines.. These data included acid base accounting (ABA) data, geologic logs, and water quality samples.

**AVAILABLE DATA**

Data provided to Golder and examined for this AMD potential evaluation are listed below:

- ABA analyses for 29 samples, including the immediate roof, the immediate floor, and the coal seam for the Coalburg/Winifrede seam collected by Rockspring. These analyses have been performed on samples as part of previous permit application efforts and are reported in MM&A (2002).
- Geologic logs and ABA analyses by strata for seven boreholes intercepting the Coalburg/Winifrede seam, collected by Rockspring. Includes the following boreholes: LIN6-92, LCC-5-95, MERRITT-1, MINOR-1, REYNOLDS-2, RSD-1-99, and RSD-2-99.
- Geologic logs and ABA analyses by strata for two boreholes intercepting the Coalburg/Winifrede seam, collected by Argus. Includes boreholes ARG-WV-03-18 and ARG-W-04-01 associated with Mine No. 8 (Permit U-5023-92 Revision No. 5).



**APPENDIX G**  
**Technical Memorandum**  
**Regarding Evaluation of Rockspring ABA Data**

February 2008

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- Water quality data from Rockspring's Camp Creek Mine.
- Water quality data for Argus' Deep Mine No. 3, Deep Mine No. 6, and Deep Mine No. 8.

## **ACID BASE ACCOUNTING**

### ***Background***

In the eastern coal mining regions, the net neutralization potential (NNP) is generally used for interpretation of ABA data (Mills 2008) and to classify samples into one of three categories. These categories include "potentially acid generating" (PAG), "uncertain" with respect to acid generation, or "non-acid generating" (NAG).

The NNP is calculated by neutralization potential (NP) minus acid potential (AP). There are numerous documents providing guidance on interpretation of these values. EPA (1994) notes a classification where NNP values between -20 and 20 tons of calcium carbonate equivalent per thousand tons of rock (tCaCO<sub>3</sub>/kt) are considered uncertain, values above 20 tCaCO<sub>3</sub>/kt are classified as NAG, and values below -20 tCaCO<sub>3</sub>/kt are classified as PAG. Another classification scheme, applicable to the Appalachian region, has been provided by the Acid Drainage Technology Initiative (ADTI, 2000) for surface coal mines. This classification scheme is based on research performed or data collected in West Virginia and the coal mining areas of the Appalachians. Under the classification system noted by ADTI (2000), NNP values between 0 and 12 tCaCO<sub>3</sub>/kt are classified as uncertain, above 12 tCaCO<sub>3</sub>/kt are classified as NAG, and below 0 tCaCO<sub>3</sub>/kt are classified as PAG.

Pyritic sulfur values have been used to calculate AP, when available. If not available, total sulfur was used. However, there is generally a discrepancy between total sulfur and pyritic sulfur, indicating the presence of sulfur forms other than sulfides, such as gypsum (calcium sulfate) or organically bound sulfur. For example, for the floor, roof, and coal samples from Rockspring, both pyritic and total sulfur were measured in six samples. In five of these samples, there is a large discrepancy between the two values (greater than 45%). Similar trends are observed in the Argus data, with pyritic sulfur representing 5.6 to 54.3% of the total sulfur (Permit No. U-5023-92 Revision No. 5). Therefore, use of total sulfur values is conservative, as it likely overestimates the potential acidity.

### ***Available Data***

The ABA data collected for samples from each strata in the seven Rockspring and two Argus boreholes indicates a wide range of NNP values, with samples classified as NAG, PAG, and uncertain. In general, strata associated with the coal or shales have a deficiency of NP.

Given that only those strata in direct contact with the Coalburg/Winifrede seam are expected to be disturbed by mining, Golder focused on the following:

- ABA data for 29 samples from the immediate floor, immediate roof, and seam of the Coalburg/Winifrede collected by Rockspring (data presented in Table 1); and



**APPENDIX G**  
**Technical Memorandum**  
**Regarding Evaluation of Rockspring ABA Data**

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- ABA data for 20 samples from the Coalburg/Winifrede seam collected from two boreholes by Argus (data presented in Table 2).

Table 1 provides NNP values for the Rockspring data. Based on the classification provided in EPA (1994), one sample is classified as NAG and 28 samples are classified as uncertain. Based on the NNP and using the classification scheme of ADTI (2000), 2 samples are classified as NAG, 16 of the samples are classified as uncertain, and 11 are classified as PAG.

Table 2 provides NNP values for the Argus data. Based on the classification provided in EPA (1994), no samples are classified as NAG, 19 samples are classified as uncertain, and one sample is classified as PAG. Based on the NNP and using the classification scheme of ADTI (2000), no samples are classified as NAG, 10 of the samples are classified as uncertain, and 10 are classified as PAG.

### ***Discussion***

Examination of the NNP values using either the classification from EPA (1994) or ADTI (2000) indicates the majority of the Rockspring samples are classified as uncertain. An uncertain classification indicates that the materials should be examined further and other factors or testing should be taken into account during evaluation of the materials. In the absence of further testing of the materials, such as kinetic testing, Golder further examined the NP, the sulfur content, and the water quality data associated with the materials.

The presence of NP has been shown by some researchers to be important for evaluation of ABA potential in the Appalachian regions. At least 21 to 30 tCaCO<sub>3</sub>/kt are necessary to ensure alkaline drainage (Perry and Brady 1995; and diPreto and Rauch 1988), respectively, in ADTI (2000)). All of the Argus coal samples have NP values below 10 tCaCO<sub>3</sub>/kt. With the exception of three sandstone samples from the immediate roof, Rockspring sample NP values are also below 10 tCaCO<sub>3</sub>/kt. This indicates that if any acid generation occurs, it is uncertain if there is sufficient NP for neutralization. However, water chemistry associated with the Coalburg/Winifrede seam (discussed below) indicates that significant alkalinity may be present (up to 700 milligrams per liter [mg/L] alkalinity as CaCO<sub>3</sub>).

Despite the above classifications and lack of neutralization potential, sulfur values for the materials are generally low, indicating limited acid formation. Price (1997) considers pyritic sulfur values greater than 0.3 % to be of concern for generating significant acidity. Only one pyritic sulfur value is greater than 0.3 % for the Rockspring samples and only 10 of 29 are above 0.1 %. For the Argus coal samples, two samples have sulfur greater than 0.3 % and 8 of 20 samples have pyritic sulfur greater than 0.1 %.

Furthermore, calculation of a weighted pyritic sulfur value for the Coalburg/Winifrede seam is possible using the Argus data for each borehole. Weighted pyritic sulfur is 0.16 % for ARG-WV-03-18 and 0.10% for ARG-WV-04-01. Weighted pyritic sulfur values are applicable because they consider the entire coal seam, rather than individual samples. These weighted pyritic sulfur values are also below the 0.3% value that Price (1997) indicates as a concern.



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Overall, ABA data indicate that the majority of the materials are classified as uncertain (EPA, 1994; ADTI, 2000), indicating other data should be considered. While the NP values are generally low, so are sulfide contents. Thus, while the potential for acidic conditions exists, the actual acidity generated will likely be low, as a majority of samples have pyritic sulfur less than 0.3% (Price 1997) and many also have less than 0.1 % pyritic sulfur. Furthermore, the weighted pyritic sulfur calculations for the Argus boreholes have a range of 0.1 to 0.16 %, again well below the 0.3 % value specified by Price (1997) as a concern.

**WATER QUALITY**

Water quality data provided by Argus and Rockspring that are associated with the Coalburg/Winifrede seam have been compiled in Table 3. Only chemistry data relevant to AMD issues and available for most samples have been included (e.g., analysis for volatile organic compounds have not been included).

Groundwater samples were collected from a variety of mines. A brief description of each mine and sampling conditions is provided below.

- Argus Deep Mine No. 3: This mine has been inactive since 2001. A single sample (After T) collected in June 2006 was provided by Argus
- Argus Deep Mine No. 6: This mine has been reclaimed. The mine was in the Coalburg/Winifrede seam, but was located about 200 feet below an abandoned and flooded mine in the 5-Block seam. A variety of water samples were collected from inside the mine and outflows between 2001 and 2003.
- Argus Deep Mine No. 8: This mine in the Coalburg/Winifrede seam is currently active. Water is pumped out of the mine as a part of operation. Water samples have been collected from the underground sump (Sump #2) and at the pumped outlet (Outlet 002). Golder understands the water samples represent water coming off the different coal faces being mined through time, from January 2001 through December 2007.
- Rockspring Camp Creek Mine: Three water quality samples were collected from a 1000-acre sealed area in 2001.

These data represent water quality associated with the Coalburg/Winifrede seam, whether water quality of runoff from an actively mined face or water quality that would exist in post-mining conditions, up to 5 years following mining (After T sample for Deep Mine No. 3).

Water quality samples associated with the Coalburg/Winifrede seam generally do not indicate AMD issues. The pH values range from 6.18 to 9.21, but are generally around a value of 8, with an average of 7.81 (n = 62 samples) for the available data. All water samples had measurable alkalinity (average of 154 mg/L as CaCO<sub>3</sub> for 53 samples), in some cases significant alkalinity up to 736 mg/L as CaCO<sub>3</sub>. Sulfate concentrations, which would be expected to be elevated following the oxidation of



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sulfides, are generally below 500 mg/L (average 267 mg/L), though values do reach as high as 1,107 mg/L. Metals, such as iron and aluminum, are slightly elevated, with average concentrations of 2.88 and 7.23 mg/L, respectively. However, elevated metals, such as iron, are expected in the area (Table 3.3-1, MM&A 2002). In addition, other trace metals, as measured in the Deep Mine No. 3 After T sample, are generally below detection limits. Exceptions include barium and zinc, which were detected at 0.142 and 0.0137 mg/L, respectively. Both of these concentrations are at least an order of magnitude below applicable EPA primary or secondary drinking water standards for these constituents.

Overall, the available Argus and Rockspring water quality data associated with the Coalburg/Winifrede seam do not indicate impacts from AMD. While some oxidation of sulfides may be occurring, which would result in elevated sulfate and iron concentrations, any acidity being generated is likely being neutralized given the alkaline pH values and measurable alkalinity. The Argus and Rockspring geologic logs indicate that several strata have significant neutralizing potential, and elevated alkalinity in the water quality samples indicates that this neutralization potential is available.

## REFERENCES

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- Price, W.A.. 1997. *Guidelines and Recommended Methods for the Prediction of Metal Leaching and Acid Rock Drainage at Minesites in British Columbia*. British Columbia Ministry of Energy and Mines, Energy and Minerals Division. 158p.



**TABLE G-1**  
**ACID BASE ACCOUNTING DATA**  
**ROCKSPRING DATA**

Sample ID	Lithology	Paste pH	Pyritic Sulfur	Total Sulfur	Potential Acidity		Neutralization Potential	NNP (NP-AP)	APR (NP/AP)
		(s.u.)	(%)	(%)	Pyritic-S (tCaCO3/kt)	Total-S (tCaCO3/kt)	(tCaCO3/kt)	(tCaCO3/kt)	--
immediate roof	shale	9.3	na	0.02	--	0.63	8.63	8.01	13.8
immediate roof	shale	8.9	na	0.15	--	4.69	8.3	3.61	1.8
immediate roof	sandstone	7.8	na	0.02	--	0.63	6.85	6.23	11.0
immediate roof	sandstone	7.9	na	0.04	--	1.25	6.98	5.73	5.6
immediate roof	sandstone	7.9	na	0.005	--	0.16	16.84	16.68	107.8
immediate roof	sandstone	7.9	na	0.005	--	0.16	28.84	28.68	184.6
immediate roof	shale	9	na	0.17	--	5.31	11	5.69	2.1
immediate roof	shale	8.6	0.24	na	7.50	--	6.73	-0.77	0.9
immediate roof	shale	7.1	0.81	na	25.31	--	5.56	-19.75	0.2
immediate roof	shale	7.1	na	0.08	--	2.50	3.92	1.42	1.6
Immediate floor	Carb shale	8.3	0.09	0.38	2.81	11.88	0.58	-2.23	0.2
Immediate floor	mudstone	9.5	na	0.005	--	0.16	3.53	3.37	22.6
Immediate floor	mudstone	8	0.22	0.35	6.88	10.94	-2.38	-9.26	-0.3
Immediate floor	mudstone	8.4	na	0.005	--	0.16	4.63	4.47	29.6
Immediate floor	mudstone	7.9	na	0.04	--	1.25	3.7	2.45	3.0
Immediate floor	ss/mudstone	8.5	0.19	na	5.94	--	3.68	-2.26	0.6
Immediate floor	mudstone	9	na	0.18	--	5.63	2.48	-3.15	0.4
Immediate floor	shale	5.2	0.04	na	1.25	--	-1.76	-3.01	-1.4
Immediate floor	shale	6.1	na	0.06	--	1.88	-0.88	-2.76	-0.5
seam	coal	6.4	0.04	na	1.25	--	-1.76	-3.01	-1.4
seam	coal/shale	6.3	0.03	na	0.94	--	1.01	0.07	1.1
seam	coal/ss	8.4	0.01	0.33	0.31	10.31	2.48	2.17	7.9
seam	coal	6.2	0.01	0.8	0.31	25.00	-0.5	-0.81	-1.6
seam	shale	8.6	na	0.09	--	2.81	4.95	2.14	1.8
seam	coal	5	0.15	0.88	4.69	27.50	-2	-6.69	-0.4
seam	carb shale	9.3	na	0.09	--	2.81	5.13	2.32	1.8
seam	coal	8.2	0.02	0.54	0.63	16.88	12	11.38	19.2
seam	carb shale	9.3	na	0.11	--	3.44	5.58	2.14	1.6
seam	coal	7.2	0.11	0.81	3.44	25.31	3.53	0.09	1.0

Notes:

Source of data: Rockspring's *Modification No. 9, Attachment J-6, Table J-6.1* (MM&A nd).

-NNP and APR calculated using pyritic sulfur when available, total sulfur if not

-One-half the sulfur detection limit used for calculations



TABLE G-2  
ACID BASE ACCOUNTING DATA  
ARGUS COALBURG SEAM DATA

Sample ID	Interval	Lithology	Thickness (in.)	Paste pH (s.u.)	Pyritic Sulfur (%)	Total Sulfur (%)	Potential Acidity		Neutralization Potential (tCaCO <sub>3</sub> /kt)	NNP (NP-AP) (tCaCO <sub>3</sub> /kt)
							Pyritic-S (tCaCO <sub>3</sub> /kt)	Total-S (tCaCO <sub>3</sub> /kt)		
ARG-WV-03-18	409.99-410.91	Coal	11.04	4.80	0.62	1.26	19.38	39.38	1.99	-17.39
ARG-WV-03-18	410.91-411.5	Coal	7.08	7.40	0.02	0.35	0.63	10.94	2.65	2.02
ARG-WV-03-18	411.5-412.42	Coal	11.04	6.10	0.14	0.69	4.38	21.56	3.75	-0.63
ARG-WV-03-18	412.42-413.12	Coal	8.40	7.60	0.06	0.91	1.88	28.44	2.87	0.99
ARG-WV-03-18	413.12-413.3	Coal	2.16	7.50	0.05	0.30	1.56	9.38	5.08	3.52
ARG-WV-03-18	413.3-415.03	Coal	20.76	3.80	0.06	0.75	1.88	23.44	-0.88	-2.76
ARG-WV-03-18	415.03-416.3	Coal	15.24 <sup>1</sup>	7.50	na	0.06	na	1.88	2.65	0.77
ARG-WV-03-18	416.3-416.6	Coal	3.60	2.70	0.76	1.68 <sup>2</sup>	23.75	52.50	-3.53	-27.28
ARG-WV-03-18	416.6-417.31	Coal	8.52	7.70	na	0.07	na	2.19	4.20	2.01
ARG-WV-03-18	417.31-417.78	Coal	5.64	4.90	0.13	0.65	4.06	20.31	1.10	-2.96
ARG-WV-03-18	Weighted Average				0.16 <sup>3</sup>	0.63				
ARG-WV-04-01	157.42-157.6	Coal	2.16	na	0.18	1.38	5.63	43.13	-3.00	-8.63
ARG-WV-04-01	157.6-157.95	Sandstone/Shale	4.20	na	0.01	0.05	0.31	1.56	4.05	3.74
ARG-WV-04-01	157.95-159.4	Coal	17.40	na	0.21	1.15	6.56	35.94	-0.95	-7.51
ARG-WV-04-01	159.4-160.09	Shale	8.28	na	0.24	0.56	7.50	17.50	1.53	-5.97
ARG-WV-04-01	160.09-161.2	Coal	13.32	na	0.15	0.69	4.69	21.56	1.48	-3.21
ARG-WV-04-01	161.2-161.68	Shale	5.76	na	0.02	0.06	0.63	1.88	6.10	5.48
ARG-WV-04-01	161.68-162.74	Coal	12.72	na	0.07	0.56	2.19	17.50	2.08	-0.11
ARG-WV-04-01	162.74-163.5	Shale	9.12	na	0.02	0.10	0.63	3.13	5.13	4.51
ARG-WV-04-01	163.5-163.68	Coal/Shale	2.16	na	0.04	0.31	1.25	9.69	4.90	3.65
ARG-WV-04-01	163.68-165.24	Coal	18.72	na	<0.01	0.70	0.16	21.88	0.45	0.29
ARG-WV-04-01	Weighted Average				0.10	0.63				

Notes

-One-half the detection limit used for calculations when value below detection limit

-NNP calculated using pyritic sulfur when available, total sulfur if not

1- thickness of unit reported as 3.60 inches on Argus permit

2- value reported as 1.60 on Argus permit

3- When no pyritic value given, total sulfur used for calculation







TABLE G-3  
GROUNDWATER QUALITY DATA ASSOCIATED WITH THE COALBURG SEAM

Company & Mine		Sample ID	Sample Date	pH	Alkalinity as CaCO3	SO4	TDS	Al	Fe	Mn	Na	Sb	As	Ba	Be	Cd	Cr	Cu	Pb	Ni	Se	Ag	Th	Zn	Hg	Cl	F	NO3 as N	NO2 as N	
				mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L
Argus	Mine No. 3	After T	6/13/2006	7.95	488	21	<0.05	0.097	0.101	0.022	227	<0.001	<0.005	0.142	<0.002	<0.001	<0.005	<0.05	<0.005	<0.01	<0.005	<0.005	<0.001	0.0137	<0.001	21.3	1.27	<0.1	<0.5	
	Deep Mine No. 6	DM-6 Sump #3	7/30/2003	7.51	150	660	1100	73.2	15.09	0.09	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Deep Mine 6 No. 3 Head	2/28/2003	9.21	180	350	800	3.45	7.04	<0.01	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Deep Mine 6 No. 3 Head	4/30/2003	8.27	110	452	920	2.44	0.29	0.37	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Deep Mine 6 No. 3 Head	5/9/2003	8.64	120	890	970	199	30	0.09	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Deep Mine No. 6	6/25/2001	6.97	89	264	610	<0.07	0.07	0.2	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM-6 1st Left Panel	2/11/2002	7.43	100	96	420	0.19	0.52	0.16	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM6-003	12/19/2000	7.41	64	191	240	0.19	0.21	0.19	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM6-003	2/1/2002	7.03	53	229	470	0.26	0.04	0.03	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM6-003	2/11/2002	7.56	52	250	820	0.17	0.07	0.07	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM6-003	3/1/2002	7.82	40	400	700	0.02	0.05	0.23	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM6-003	3/11/2002	8	54	510	580	0.08	<0.025	0.16	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM6-003	5/5/2003	7.14	61	326	510	0.9	0.27	0.12	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM-6 Sump at 3-Head	1/21/2002	7.84	120	222	480	0.6	0.22	<0.02	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM-6 Sump at 3-Head	2/9/2002	8.44	110	494	650	10	11.8	0.12	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM-6 Sump at 3-Head	2/21/2002	8.14	99	311	750	0.2	0.04	<0.02	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM-6 Sump at 3-Head	3/7/2002	8.33	97	472	1000	11.1	5.2	0.03	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM-6 Sump at 5-Head	1/21/2002	8.51	270	2	750	11	0.05	0.35	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM-6 Sump at 5-Head	2/9/2002	8.57	230	56	320	1.75	0.97	<0.02	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM-6 Sump at 5-Head	2/21/2002	8.71	240	36	470	0	1.29	<0.02	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		DM-6 Sump at 5-Head	3/7/2002	8.5	200	38	350	4.57	1.19	<0.02	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
	Mine No. 8	Sump #2 Head	1/17/2005	7.72	98	62	450	1.56	1.24	0.07	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	2/4/2005	7.99	146	70	426	4.14	1.26	0.07	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	3/29/2005	7.77	92	55	376	1.10	0.22	<0.02	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	5/5/2005	7.67	84	145	377	0.15	0.25	0.17	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	6/14/2005	7.59	140	10	325	0.65	0.49	0.02	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	7/31/2005	7.60	114	330	710	1.88	1.17	0.08	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	8/26/2005	7.41	126	310	650	1.52	1.31	0.06	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	9/29/2005	7.10	126	320	700	1.56	1.47	0.10	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	11/7/2005	7.60	140	300	710	1.29	1.26	0.06	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	2/27/2006	7.80	160	210	720	0.22	<0.03	0.03	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	3/13/2006	8.11	142	200	710	0.08	0.05	0.07	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	3/31/2006	7.97	120	260	760	0.90	7.97	0.05	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	4/27/2006	7.66	110	200	810	1.07	2.75	0.05	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	6/29/2006	8.11	120	260	700	2.78	0.37	<0.02	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	7/29/2006	8.23	120	210	860	0.45	0.05	0.03	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	8/22/2006	7.81	126	260	750	0.31	0.11	<0.02	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	9/27/2006	7.62	110	210	760	0.19	0.01	0.03	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	10/31/2006	7.61	110	188	634	24.22	24.90	0.24	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	11/29/2006	8.00	22	485	710	0.55	0.07	0.03	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
		Sump #2 Head	12/14/2006	8.33	120	140	547	0.85	0.62	0.02	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
		Sump #2 Head	1/31/2007	7.27	120	100	415	0.67	0.22	<0.2	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
		Sump #2 Head	2/26/2007	7.98	184	210	1183	6.04	6.28	0.11	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
		Sump #2 Head	3/30/2007	8.04	142	150	345	14.21	5.05	0.09	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
		Sump #2 Head	4/14/2007	8.00	126	140	520	*	*	*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--				















**APPENDIX H**

**REPORTING OF HAZARDOUS MATERIAL  
RELEASES AND PETROLEUM PRODUCT SPILLS**







## **Appendix H**

### **REPORTING OF HAZARDOUS MATERIAL RELEASES AND PETROLEUM PRODUCT SPILLS**

Under the federal *Comprehensive Environmental Response, Compensation, and Liability Act of 1980* (CERCLA), "CERCLA hazardous substances" are defined in terms of those substances either specifically designated as hazardous under CERCLA, otherwise known as the Superfund law, or those substances identified under other laws, including:

- *Clean Water Act* (CWA), Sections 307 and 311
- *Resource Conservation and Recovery Act* (RCRA), Section 3001
- *Clean Air Act* (CAA), Section 112
- *Toxic Substances Control Act* (TSCA), Section 7

More than 800 substances are designated as hazardous, and many more are identified as potentially hazardous due to their characteristics and the circumstances of their release. Under CERCLA, the terms "hazardous substance" and "pollutant or contaminant" do not include petroleum or natural gas. Oil spills are addressed under the USEPA's Oil Program, and the USEPA's Emergency Response Program coordinates response to hazardous substance releases or oil spills (USEPA 2007I).

The federal government has established Superfund reportable quantities (RQs) to define reporting requirements for releases of hazardous substances. If a hazardous substance is released to the environment in an amount that equals or exceeds its RQ, the release must be reported to the National Response Center within 24 hours so that emergency response teams can evaluate whether a response action is needed. Other federal notification requirements may also be required (USEPA 2007I).

The West Virginia *Emergency Response and Community Right-to-Know Act* (West Virginia Code §15-5A), requires that release of a reportable quantity of a hazardous material must be reported immediately to the Local Emergency Planning Committee's emergency reporting number. The release must also be reported to the West Virginia Division of Homeland Security and Emergency Management's State Emergency Response Commission, as required by the state Emergency Response Commission Emergency Planning and Community Right-to-Know rules (West Virginia Code of State Regulations Title 55 Series 1-1). Any person who may cause or be responsible for any spill or accidental discharge of a pollutant to waters of the state must immediately notify the Office of Water Resources' emergency notification number, as required by the special rules established by the Office of Water Resources (West Virginia Code of State Regulations Title 47 Series 11).















## **APPENDIX I OUTGRANTS**







**Final Land Use Analysis and Final Environmental Impact Statement  
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**Appendix I  
OUTGRANTS**

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OUTGRANTS		BIG SANDY, EAST LYNN LAKE		HUNTINGTON	12 OCT 2006
TYPE OF INSTRUMENT	CONTRACT NUMBER	GRANTEE NAME	OUTGRANT DESCRIPTION	PURPOSE CATEGORY	EXPIRATION
LEASE	DACW69-1-06-1035	LAKESIDE MARINA	MARINA AT EAST LYNN LAKE	RECR, COMM	31-MAR-2031
LEASE	DACW69-1-73-0287	CABOT OIL AND GAS CORPORATION	BLM NO. 36940-OIL AND GAS -	INDUST	INDEF
LEASE	DACW69-1-76-0158	CABOT OIL AND GAS CORPORATION	BLM NO. 36941-OIL AND GAS -	INDUST	INDEF
LEASE	DACW69-1-85-0049	CABOT OIL AND GAS CORPORATION	FRANK E. MATTHEWSON FARM OIL AND GAS - E.R. PRITCHARD WELL	INDUST	INDEF
LEASE	DACW69-1-88-0214	COLUMBIA NATURAL	BLM NO. 39018-OIL AND GAS	INDUST	INDEF
LEASE	DACW69-1-98-0022	STATE OF WV DIVISION OF FORESTRY	DWELLING FOR AN OFFICE	OTHER	14-OCT-2007
EASEMENT	DACW69-2-01-1058	AMERICAN ELECTRIC POWER	INSTALLATION OF	RIGHT-OF-WAY	24-JAN-2026
EASEMENT	DACW69-2-02-1001	LAUREL CREEK COMPANY	ROAD	RIGHT-OF-WAY	INDEF
EASEMENT	DACW69-2-03-1070	TOWN OF WAYNE	6 INCH WATERLINE, CHANGE LOCATION OF LINE	RIGHT-OF-WAY	30-NOV-2052
EASEMENT	DACW69-2-03-1110	ROCKSPRING DEVELOPMENT,	CONSTRUCT AND MAINTAIN A POWERLINE	RIGHT-OF-WAY	31-MAY-2028
EASEMENT	DACW69-2-05-1045	CRANBERRY PIPELINE CORPORATION	A PUMPING STATION FOR A GAS	OTHER	04-MAR-2035
EASEMENT	DACW69-2-05-1046	CRANBERRY PIPELINE CORPORATION	PUMPING STATION FOR A GAS	OTHER	31-MAR-2035
EASEMENT	DACW69-2-68-0489	CITIZENS TELECOM	TELEPHONE LINE AND FACILITIES PURSUANT TO RC	RIGHT-OF-WAY	INDEF
EASEMENT	DACW69-2-69-0300	CABOT OIL AND GAS CORPORATION	GASLINE PURSUANT TO RC DA-	RIGHT-OF-WAY	INDEF
EASEMENT	DACW69-2-70-0147	AMERICAN ELECTRIC POWER	POWERLINE PURSUANT TO RC DA-46-022-CIVENG-66-77	RIGHT-OF-WAY	INDEF
EASEMENT	DACW69-2-70-0371	WEST VIRGINIA DEPARTMENT OF	WEST VIRGINIA ST. ROUTE 37 PURSUANT TO RC DA-46-	RIGHT-OF-WAY	INDEF
EASEMENT	DACW69-2-71-0321	CABOT OIL & GAS	PIPELINE	RIGHT-OF-WAY	INDEF
EASEMENT	DACW69-2-71-0332	AMERICAN ELECTRIC POWER	POWERLINE PURSUANT TO RC DACW69-67-C-0026	RIGHT-OF-WAY	INDEF
EASEMENT	DACW69-2-72-0406	AMERICAN ELECTRIC POWER	POWERLINE	RIGHT-OF-WAY	22-JUN-2022
EASEMENT	DACW69-2-73-0108	CITIZENS TELECOM	TELEPHONE TRANSMISSION PURSUANT TO RC DACW69-70-C-0006	RIGHT-OF-WAY	INDEF
EASEMENT	DACW69-2-74-0024	CABOT OIL & GAS	GAS PIPELINE PURSUANT TO RC	RIGHT-OF-WAY	INDEF
EASEMENT	DACW69-2-74-0244	COLUMBIA GAS TRANSMISSION CORPORATION	GAS PIPELINES	RIGHT-OF-WAY	INDEF
EASEMENT	DACW69-2-74-0261	COLUMBIA GAS TRANSMISSION CORPORATION	GAS PIPELINE PURSUANT TO RC	RIGHT-OF-WAY	INDEF



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**Appendix I  
OUTGRANTS**

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OUTGRANTS		BIG SANDY, EAST LYNN LAKE		HUNTINGTON	12 OCT 2006	
TYPE OF INSTRUMENT	CONTRACT NUMBER	GRANTEE NAME	OUTGRANT DESCRIPTION	PURPOSE CATEGORY	EXPIRATION INDEF	Y/N
EASEMENT	DACW69-2-75-0341	AMERICAN ELECTRIC POWER	ELECTRIC POWER OR COMM LINE PURSUANT TO RC DACW69-69-C-0054	RIGHT-OF-WAY		
EASEMENT	DACW69-2-76-0169	AMERICAN ELECTRIC POWER	ELECTRIC POWER OR COMMN LINES PURSUANT TO RC DACW69-73-C-0107	RIGHT-OF-WAY	INDEF	
EASEMENT	DACW69-2-77-0153	COLUMBIA GAS TRANSMISSION CORPORATION	CATHODIC PROTECTION FACILITIES	RIGHT-OF-WAY	05-MAY-2027	
EASEMENT	DACW69-2-79-0277	WEST VIRGINIA DEPARTMENT OF	ROAD. PURSUANT TO RC DACW69-67-C-0091	RIGHT-OF-WAY	INDEF	
EASEMENT	DACW69-2-83-0034	CITIZENS TELECOM	TELEPHONE LINES	RIGHT-OF-WAY	21-DEC-2032	
EASEMENT	DACW69-2-83-0060	CITIZENS TELECOM	TELEPHONE SWITCHING FACILITY	RIGHT-OF-WAY	20-JAN-2033	
EASEMENT	DACW69-2-84-0169	WEST VIRGINIA DEPARTMENT OF	ROAD	RIGHT-OF-WAY	INDEF	
EASEMENT	DACW69-2-87-0022	COLUMBIA GAS TRANSMISSION CORPORATION	ACCESS ROADS PURSUANT TO RC	RIGHT-OF-WAY	INDEF	
EASEMENT	DACW69-2-87-0226	TOWN OF WAYNE	WATERLINE	RIGHT-OF-WAY	28-JUN-2037	
EASEMENT	DACW69-2-87-0273	CRANBERRY PIPELINE CORPORATION	CATHODIC PROTECTION UNIT	RIGHT-OF-WAY	16-AUG-2012	
EASEMENT	DACW69-2-87-0274	CRANBERRY PIPELINE CORPORATION	CATHODIC PROTECTION UNIT	RIGHT-OF-WAY	16-AUG-2012	
EASEMENT	DACW69-2-87-0275	CRANBERRY PIPELINE CORPORATION	CATHODIC PROTECTION UNIT	RIGHT-OF-WAY	16-AUG-2012	
EASEMENT	DACW69-2-87-0276	CRANBERRY PIPELINE CORPORATION	CATHODIC PROTECTION UNIT	RIGHT-OF-WAY	16-AUG-2012	
EASEMENT	DACW69-2-90-0004	AMERICAN ELECTRIC POWER	POWERLINE - RELOCATE PORTION OF THE EASEMENT ON TRS. NOS. 2005	RIGHT-OF-WAY	16-OCT-2039	
EASEMENT	DACW69-2-91-0009	CRANBERRY PIPELINE CORPORATION	CATHODIC PROTECTION UNIT	RIGHT-OF-WAY	23-SEP-2015	
EASEMENT	DACW69-2-91-0178	WEST VIRGINIA DEPARTMENT OF	ROAD	RIGHT-OF-WAY	INDEF	
EASEMENT	DACW69-2-93-0219	AMERICAN ELECTRIC POWER	7.2 KV DISTRIBUTION POWERLINE	RIGHT-OF-WAY	18-JUL-2018	
EASEMENT	DACW69-2-99-1019	AMERICAN ELECTRIC POWER	POWERLINE	RIGHT-OF-WAY	30-JUN-2048	
LICENSE	DACW69-3-00-1009	PARSONS, MALCHOM AND	ACCESS ROAD-MOD #1 EXTEND	OTHER	02-DEC-2009	
LICENSE	DACW69-3-03-1023	DAVIS, DELANO	ACCESS ROAD	RIGHT-OF-WAY	10-AUG-2005	
LICENSE	DACW69-3-06-1048	DELANO DAVIS	ACCESS ROAD ON TRACT NO. 242	OTHER	10-AUG-2025	
LICENSE	DACW69-3-84-0011	WEST VIRGINIA DEPARTMENT OF	FISH, WILDLIFE, AND FOREST	FISH-WILDLIFE	31-OCT-2080	
CONSENT	DACW69-3-85-0225	CRANBERRY PIPELINE CORPORATION	CATHODIC PROTECTION UNIT	OTHER	INDEF	



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OUTGRANTS		BIG SANDY, EAST LYNN LAKE		HUNTINGTON	12 OCT 2006	
TYPE OF INSTRUMENT	CONTRACT NUMBER	GRANTEE NAME	OUTGRANT DESCRIPTION	PURPOSE CATEGORY	EXPIRATION	
CONSENT	DACW69-3-89-0078	CABOT OIL AND GAS CORPORATION	HOWARD BALDWIN WELL A-6	INDUST	N	INDEF
CONSENT	DACW69-3-89-0374	P & C BITUMINOUS COAL, INCORPORATED	BRIDGE	OTHER		INDEF
CONSENT	DACW69-3-89-0564	P & C BITUMINOUS COAL, INCORPORATED	SEDIMENT DAM AND POND & ROAD	OTHER		INDEF
CONSENT	DACW69-3-94-0068	PEN COAL CORPORATION	CONVEYOR, CONVEYOR SUPPORT & TEMP. FILL FOR A DRAINAGE BERM & SEDIMENT	OTHER		INDEF















## **APPENDIX J**

### **RESPONSES TO PUBLIC COMMENTS ON THE EAST LYNN LAKE COAL LEASE DRAFT LAND USE ANALYSIS AND DRAFT ENVIRONMENTAL IMPACT STATEMENT**







***Final Land Use Analysis and Final Environmental Impact Statement  
for East Lynn Lake Coal Lease***

**TABLE J-1**  
**COMMENT RESPONSE TABLE**







**Final Land Use Analysis and Final Environmental Impact Statement  
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**Appendix J—RESPONSE TO COMMENTS**

Comment No.	Comment	Response	Date Received/ Name
C 1.1	<p>We the Wayne County Commissioners are concerned about the proximity to which the proposed mining will be to the water's edge at East Lynn Lake. We feel that a 200 ft barrier around the lake is not sufficient to prevent any leaching of mining waters into the lake and would therefore support an extended barrier of 700 to 1000 ft. We feel that this distance would protect the lake from any future waste leaking into the lake, changing the chemical balance and affecting the wild life.</p> <p>We ask that you use this information in processing of the application for the coal lease.</p>	<p>Comment acknowledged.</p> <p>Please see section 3.1.2c3 for a description of the barrier analysis, and sections 3.2.2 and 3.3.2 for descriptions of potential impacts to water resources.</p> <p>Minimal impact to water resources or existing structures, including the dam, is anticipated. <b>The planned protective barrier of 200 feet around the lake is based on guidance in the U.S. Bureau of Mines Circular 8741 (Babcock and Hooker 1977) and is commonly used to assess adequacy of overburden near impounded surface water bodies.</b></p> <p>Figure 3.1-14 presents a schematic of the proposed protective barrier. In addition, mine workings will be 100-150 feet away from the recommended barrier in areas where the overburden is less than 100 feet thick or in areas where the coal seam is exposed or "outcrops" at the surface. The 200-ft. planned barrier is also measured from the spillway elevation of the lake (701 feet above mean sea level (amsl)) and thus will be further in practice from the normal operating pool. These protective measures are also consistent with additional OSM guidance (2001, 2007) and normal engineering practice.</p>	<p>11/19/2007 Chares E. Sammons James H. Booton Rick Wellman</p>
C 2.1	<p>I would like to be added to the mailing list.</p>	<p>The commenter's name has been added to the mailing list.</p>	<p>5/26/2008 James Osburn</p>



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 3.1	I am a Consulting Mining Engineer in WV and write to inquire about the possibility of aiding the BLM in the management and due diligence of this coal lease.	Not applicable.	7/1/2008 Charles G. Howard
C 4.1	I support the East Lynn Lake project and believe that allowing this property to be leased to coal mining companies will be good for the local economy. It will also provide jobs to citizens of Wayne County. As a taxpayer of Wayne County, I hope that you will give positive consideration to this project.	Comment acknowledged.	7/18/2008 Terry Hensley
C 5.1	...having access to the federal coal would boost the local economy as well as helping with the country's energy needs.	Comment acknowledged.	7/23/2008 J.R. Mullins
C 5.2	I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.	Comment acknowledged.	7/23/2008 J.R. Mullins
C 6.1	...having access to the federal coal would boost the local economy as well as helping with the country's energy needs.	Comment acknowledged.	7/23/2008 Herman Williamson
C 6.2	I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.	Comment acknowledged.	7/23/2008 Herman Williamson



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 7.1	...having access to the federal coal would boost the local economy as well as helping with the country's energy needs.	Comment acknowledged.	7/23/2008 Steve Wilbur
C 7.2	I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.	Comment acknowledged.	7/23/2008 Steve Wilbur
C 8.1	...having access to the federal coal would boost the local economy as well as helping with the country's energy needs.	Comment acknowledged.	7/23/2008 James Clark
C 8.2	I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.	Comment acknowledged.	7/23/2008 James Clark
C 9.1	...having access to the federal coal would boost the local economy as well as helping with the country's energy needs.	Comment acknowledged.	7/23/2008 Robert Ratcliff
C 9.2	I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.	Comment acknowledged.	7/23/2008 Robert Ratcliff
C 10.1	...having access to the federal coal would boost the local economy as well as helping with the country's energy needs.	Comment acknowledged.	7/23/2008 Lewis Smith



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 10.2	I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.	Comment acknowledged.	7/23/2008 Lewis Smith
C 11.1	...having access to the federal coal would boost the local economy as well as helping with the country's energy needs.	Comment acknowledged.	7/23/2008 Darrell Dalton
C 11.2	I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.	Comment acknowledged.	7/23/2008 Darrell Dalton
C 12.1	...having access to the federal coal would boost the local economy as well as helping with the country's energy needs.	Comment acknowledged.	7/23/2008 Johnny Dingess
C 12.2	I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.	Comment acknowledged.	7/23/2008 Johnny Dingess
C 13.1	...having access to the federal coal would boost the local economy as well as helping with the country's energy needs.	Comment acknowledged.	7/23/2008 Ravin Dingess
C 13.2	I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.	Comment acknowledged.	7/23/2008 Ravin Dingess



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 14.1	The area in West Virginia which is under consideration for lease is in an economically depressed area. Based on the latest census data available, West Virginia ranks 49 out of 50 states in per capita income. The coal mining industry provides excellent pay as well as many benefits including health insurance which is desperately needed in this area of our country.	Comment acknowledged.	7/25/2008 Mary Ware
C 14.2	With the continuing increase in fuel prices, our nation is beginning to realize that we can no longer be dependent on foreign countries. We have the knowledge to develop clean coal technology, and we need to use our nation's resources towards providing a more efficient fuel source.	Comment acknowledged.	7/25/2008 Mary Ware
C 14.3	Our government has a responsibility to [its] people to use our resources in the most beneficial manner. In the case of the East Lynn property, that would be to allow coal mining on the property which the Department of the Interior controls.  I hope you will support the coal mining industry in the lease of the federal property in the East Lynn Lake area.	Comment acknowledged.	7/25/2008 Mary Ware
C 15.1	I am concerned about the proposed lease of the East Lynn Lake surrounding land to coal companies. As frequent users of the lake and surrounding recreation areas I do not want to see the land disturbed in any way.	Comment acknowledged.  Minimal impacts to recreation are anticipated.  Please see section 3.12.2, where text describes potential impacts to recreation.	7/31/2008 Emily Cornwell



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 15.2	I am concerned about the unsightly mining equipment and the mines effect on wildlife.	Comment acknowledged. Proposed mining would be performed underground, and any related surface activities would occur on existing, private, permitted facilities. Minimal impacts to wildlife are anticipated.  Please see section 3.6.2.	7/31/2008 Emily Cornwell
C 15.3	I also have concerns about the mines wastewater contaminating the lake.	Comment acknowledged. Minimal impacts to water resources are anticipated.  Please see sections 3.2.2 and 3.3.2, where text describes the potential impacts to surface water and groundwater quality, respectively.	7/31/2008 Emily Cornwell
C 15.4	Can you tell me what impact the expansion of these mines will have on the groundwater and subsequently the well water of those living in proximity to the Lake.	Minimal impacts to groundwater resources are anticipated.  Please see section 3.3.2, where text describes the potential impacts to groundwater quality and quantity.	7/31/2008 Emily Cornwell
C 15.5	I am concerned about acid mine drainage also.	Section 3.3.2c2 addresses acid mine drainage issues and indicates that acid mine drainage is not expected to occur. Appendix G provides supporting analyses.	7/31/2008 Emily Cornwell



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 15.6	How will this mining [a]ffect the pH of the lake and ultimately the aquatic life in the lake?	Minimal impacts are anticipated as a result of the proposed action or RFDS. Please see section 3.2.2, where text describes the potential impacts to surface water quality. Please see section 3.6.2, where text describes potential impacts to fish and wildlife resources.	7/31/2008 Emily Cornwell
C 15.7	How close to the perimeter of the lake will the mining be allowed (in feet, miles, etc.)?	See response to comment C 1.1	7/31/2008 Emily Cornwell
C 16.1	I am very concerned with the thought of a coal mining institution being placed next to East Lynn Lake! ...Runoff from the blasting will enter the water and pollute it for all who use it.	The proposed mining would be underground mining, which would be performed in accordance with state and federal regulations. No blasting would be performed. Impacts to surface water and groundwater are anticipated to be minimal. Please see sections 3.2.2 and 3.3.2.	8/1/2008 Kathryn Hilton
C 16.2	The damage it will do to the ecology in the area is so pronounced that I do not understand why the coal company is even being allowed to propose a site in the area.	The proposed mining would be underground mining, which would be performed in accordance with state and federal regulations. Impacts to soils, vegetation, fish and wildlife, surface water and groundwater are anticipated to be minimal. Please see chapter 3.	8/1/2008 Kathryn Hilton







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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 16.3	The pollution that leaches into the water, whether it be in the form of coal dust or sludge, will affect all life in the water and surrounding community.	The proposed mining would be underground mining, which would be performed in accordance with state and federal regulations. Negative impacts to surface water, groundwater and socioeconomic resources are anticipated to be minimal  Please see sections 3.2.2, 3.3.2, and 3.8.2. <i>not relevant</i>	8/1/2008 Kathryn Hilton
C 16.4	The people in the area use the lake for recreation and sustenance. What is going to happen to these people when the water is so polluted they cannot swim or fish in it?	The proposed mining would be underground mining, which would be performed in accordance with state and federal regulations. Impacts to surface water and fish and wildlife are anticipated to be minimal.  Please see sections 3.2.2 and 3.6.2.	8/1/2008 Kathryn Hilton
C 16.5	...I realize the coal company does not foresee any problems, but by the time the issues myself and others are concerned about reveal themselves, it is too late! I DO NOT want this to happen, I do not want the problem addressed after it is in existence, the best way to deal with this is to NOT ALLOW THE FACILITY!	Comment acknowledged. The proposed mining would be underground mining, which would be performed in accordance with state and federal regulations and permit requirements.	8/1/2008 Kathryn Hilton
C 17.1	The damage this mine will do can never be undone. The mine will last ten to fifteen years, but the lake has an estimated life of 100-200 years. Taking the chance of ruining the lake, the community's water supply, and also polluting the area is absurd. This is a terrible place to even consider having a mine.	Comment acknowledged. The proposed mining is anticipated to have minimal negative impacts.  Please see chapter 3.	8/1/2008 Natalie Vanderpool



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 17.2	The community uses the lake for recreational purposes. It is a place where families can go to spend quality time. I do not want this area polluted by your dirty coal.	Comment acknowledged. Minimal impacts to recreation resources are anticipated. Please see section 3.12.2, where text describes potential impacts to recreation.	8/1/2008 Natalie Vanderpool
C 17.3	Also the Corps of Engineers paid millions for the mineral rights so this did not happen. The tax money used to do so should be honored.	Comment acknowledged. <i>See section 1.3. The Water Resources Development Act of 1999, Public Law No. 34-579, 113 Stat. 374 removed the U.S. Army Corps of Engineers' consent authority normally granted to the surface management agency stating:</i>  Sec. 574. East Lynn Lake, West Virginia The Secretary shall defer any decision relating to the leasing of the mineral resources underlying East Lynn Lake, West Virginia, project lands to the Federal entity vested with such leasing authority.  In this statement, the Secretary is defined as the Secretary of the Army and the Federal entity is the Bureau of Land Management.	8/1/2008 Natalie Vanderpool
C 18.1	Mining could impact the integrity of the dam and the environmental impacts to the water quality, fish, wildlife and plant life could be irreversible.	Comment acknowledged. Impacts to geologic resources and existing structures, surface water, groundwater, fish and wildlife, vegetation and soils are anticipated to be minimal.  Please see chapter 3.	8/11/2008 Shawn and Beth Cade



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 18.2	This report has not been properly reviewed by the public. Very little public participation has taken place. The public comment period needs to be extended at least 180 days... Please extend the public comment period another 180 days so the public can be heard.	Comment acknowledged. The public review and comment period was extended 45 days, to 11/10/2008, giving the public 135 days to review and comment.	8/11/2008 Shawn and Beth Cade
C 18.3	Why was management and responsibility for the coal transferred from the (USACE) to BLM?	See response to comment C 17.3	8/11/2008 Shawn and Beth Cade
C 18.4	What will be the true impacts of mining on the lake?	Minimal impacts to water resources are anticipated. Please see sections 3.2.2 and 3.3.2, where text describes the potential impacts to surface water and groundwater.	8/11/2008 Shawn and Beth Cade
C 18.5	What new tests have been conducted to conclude that mining will not be detrimental to the lake?	<sup>3.2 and 3.2.1d2</sup> Please see sections 3.2.2 and 3.3.2, where text describes the potential impacts to surface water and groundwater.	8/11/2008 Shawn and Beth Cade
C 18.6	East Lynn Lake plays a vital role in the protection of Wayne County residents home and properties from annual flooding.	Comment acknowledged. Please see section 3.1.2, where text describes potential impacts to geologic resources and existing structures including the East Lynn Lake dam.  Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.	8/11/2008 Shawn and Beth Cade



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 18.7	[East Lynn Lake] is also vital to the economy bringing thousands of tourists to Wayne County each year to enjoy, hiking, fishing, boating, camping, hunting, bird watching, etc.	<p>Comment acknowledged.</p> <p>Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.</p> <p>Please see section 3.12.2, where text describes potential impacts to recreation.</p> <p>Please see sections 3.1.2, 3.2.2, and 3.3.2, where text describes potential impacts to geologic resources, surface water resources, and groundwater resources, respectively.</p> <p>Please see section 3.6.2 where text describes potential impacts to fish and wildlife resources.</p>	8/11/2008 Shawn and Beth Cade
C 19.1	<p>When the East Lynn Lake project was proposed, a study was conducted to determine the feasibility of mining coal in that area after the completion of the dam and lake. I am requesting a copy of that study along with all related papers, analysis and the concluded findings.</p> <p>I also request copies of all comments from the Army Corps of Engineers to the Bureau of Land Management; expressing concerns on the Draft Environmental Impact Statement / Coal Lease / Land Use Analysis of the East Lynn Lake Project.</p>	Not applicable to the Draft LUA/Draft EIS.	8/12/2008 Joseph C. Stanley
C 20.1	Mining could impact the integrity of the dam and the environmental impacts to the water quality, fish, wildlife and plant life could be irreversible.	<p>Comment acknowledged.</p> <p>Impacts to geologic resources and existing structures, surface water, groundwater, fish and wildlife, vegetation and soils are anticipated to be minimal.</p> <p>Please see chapter 3.</p>	8/15/2008 Joe Stanley



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 20.2	This report has not been properly reviewed by the public. Very little public participation has taken place. The public comment period needs to be extended at the very least 180 days... Please extend the public comment period another 180 days so the public can be heard.	Comment acknowledged. The public review and comment period was extended 45 days, to 11/10/2008, giving the public 135 days to review and comment.	8/15/2008 Joe Stanley
X C 20.3	Why was management and responsibility for the coal transferred from the (USACE) to BLM?	<u>See response to comment C 17.3</u> <i>could be more explanatory.</i>	8/15/2008 Joe Stanley
C 20.4	What will be the true impacts of mining on the lake?	Minimal impacts to water resources are anticipated. Please see sections 3.2.2 and 3.3.2, where text describes the potential impacts to surface water and groundwater.	8/15/2008 Joe Stanley
C 20.5	What new tests have been conducted to conclude that mining will not be detrimental to the lake?	<sup>82</sup> Please see sections 3.2.2 and 3.3.2, where text describes the potential impacts to surface water and groundwater.	8/15/2008 Joe Stanley
C 20.6	East Lynn Lake plays a vital role in the protection of Wayne County residents home and properties from annual flooding.	Comment acknowledged. Please see section 3.1.2, where text describes potential impacts to geologic resources and existing structures including the East Lynn Lake dam.  Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.	8/15/2008 Joe Stanley



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 20.7	[East Lynn Lake] is also vital to the economy bringing thousands of tourists to Wayne County, West Virginia each year to enjoy, hiking, fishing, boating, camping, hunting, bird watching, etc.	See response to comment C 18.7	8/15/2008 Joe Stanley
C 21.1	...propose to mine within 1600 feet of the dam.	<p>Comment acknowledged.</p> <p>Please see section 3.1.2c2 for a discussion of the analysis of the setback distance from the dam. Sections 3.2.2 and 3.3.2 describe potential impacts to water resources. Minimal impact to water resources or existing structures, including the dam, is anticipated. The lease boundary of 1,585 feet from the dam is much greater than would be necessary based on guidance in the U.S. Bureau of Mines Circular 8741 (Babcock and Hooker 1977) which is commonly used to assess adequacy of barriers near impounded surface water bodies.</p> <p>Figure 3.1-14 presents a diagram of the recommended setback from a dam based on Babcock and Hooker (1977).</p> <p>Resource specialists performed an independent evaluation of the likely extent of subsidence due to mining in the proposed lease tracts closest to the dam. This analysis shows that subsidence effects, if any occur, would likely be more than 1,000 feet from the dam or the USACE building located about 350 feet southeast of the dam. No impacts to dam integrity are expected.</p>	8/19/2008 Marvin Adkins Roberta Adkins



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 21.2	Mining could impact the integrity of the dam and the environmental impacts to the water quality, fish, wildlife and plant life could be irreversible.	Impacts to geologic resources and existing structures, surface water, groundwater, fish and wildlife, vegetation and soils are anticipated to be minimal.  Please see chapter 3.	8/19/2008 Marvin Adkins Roberta Adkins
C 21.3	I live downstream of this lake and maintaining the safety of the dam is imperative to the safety of my family and property.	Comment acknowledged. Please see section 3.1.2, where text describes potential impacts to geologic resources and existing structures including the East Lynn Lake dam.  Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.	8/19/2008 Marvin Adkins Roberta Adkins
C 21.4	This report has not been properly reviewed by the public. Very little public participation has taken place. The public comment period needs to be extended at least 180 days.	Comment acknowledged. The public review and comment period was extended 45 days, to 11/10/2008, giving the public 135 days to review and comment.	8/19/2008 Marvin Adkins Roberta Adkins
C 21.5	Why was management and responsibility for the coal transferred from the U.S. Army Corps of Engineers to BLM?	See response to comment C 17.3	8/19/2008 Marvin Adkins Roberta Adkins
C 21.6	What will be the true impacts of mining on the lake?	Minimal impacts to water resources are anticipated. Please see sections 3.2.2 and 3.3.2, where text describes the potential impacts to surface water and groundwater.	8/19/2008 Marvin Adkins Roberta Adkins



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 21.7	What new tests have been conducted to conclude that mining will not be detrimental to the lake?	Please see sections 3.2.2 and 3.3.2, where text describes the potential impacts to surface water and groundwater.	8/19/2008 Marvin Adkins Roberta Adkins
C 21.8	My daughter and I attended a public meeting in the town of Wayne hosted by BLM on March 27, 2007. Including me and my daughter there was one other local resident in attendance. The public announcement for this meeting published in the Wayne County News stated that we had to email or call to RSVP to attend the meeting...The most recent meeting again hosted by BLM was held in July [and] had more local residents but we were only allowed 5 minutes to express our concerns and BLM did not answer any of our questions. It was a very impersonal and frustrating experience.	Comment acknowledged. The commenter's participation in the inter-agency socioeconomic workshop, held March 27, 2007 is appreciated. The commenter's participation at the BLM's public hearing to announce issuance of the Draft LUA/Draft EIS is also appreciated.	8/19/2008 Marvin Adkins Roberta Adkins
C 21.9	East Lynn Lake plays a vital role in the protection of Wayne County residents and properties from flooding.	Comment acknowledged. Please see section 3.1.2, where text describes potential impacts to geologic resources and existing structures including the East Lynn Lake dam.  Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.	8/19/2008 Marvin Adkins Roberta Adkins
C 21.10	I also enjoy fishing and boating at the lake. My grandsons also camp, boat, swim and fish at East Lynn Lake. I want them to be able to continue enjoying the lake for many years to come.	Comment acknowledged. Please see section 3.12.2, where text describes potential impacts to recreation.  Please see section 3.6.2 where text describes potential impacts to fish and wildlife resources.	8/19/2008 Marvin Adkins Roberta Adkins



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 21.11	There are numerous questions that need to be answered. Please urge BLM to deny this request or at least extend the public comment period another 180 days and properly engage the public.	Comment acknowledged. The public review and comment period was extended 45 days, to 11/10/2008, giving the public 135 days to review and comment.	8/19/2008 Marvin Adkins Roberta Adkins
C 22.1	The Wayne County Commission hereby requests a ninety (90) day extension of the comment period for the above proposed mining project near East Lynn Lake. The purpose of the extension is to allow the Commission and the citizens of Wayne County to address certain discrepancies in the authorizing documents and the other concerns regarding the project... The Wayne County Commission believes that the extension would allow greater understanding of the project and its potential benefits for the county.	Comment acknowledged. The public review and comment period was extended 45 days, to 11/10/2008, giving the public 135 days to review and comment.	8/18/2008 Rick Wellman
C 22.2	The County Commission would like clarification with regard to the distribution of royalty proceeds and whether the county will benefit from severance taxes, if any, collected from the project.	Comment acknowledged. Please see section 3.8.2 for a description of revenue distribution.	8/18/2008 Rick Wellman
C 22.3	Based upon past experience with other mining projects in the county, the Commission would like to see a trust established for the protection of citizens that may be affected by mining operations.	Comment acknowledged.	8/18/2008 Rick Wellman



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 22.4	The Commission is also concerned about the proposed mining plans that would allow operations within two hundred (200) foot of the lake shoreline.	See response to comment C 1.1	8/18/2008 Rick Wellman
C 23.1	East Lynn Lake plays a vital role in the protection of Wayne County residents home and properties from annual flooding.	Comment acknowledged. Please see section 3.1.2, where text describes potential impacts to geologic resources and existing structures including the East Lynn Lake dam.  Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.	8/19/2008 Terry Vanderpool Tonna Vanderpool
C 23.2	[East Lynn Lake] is also vital to the economy bringing thousands of tourist[s] to Wayne County, West Virginia each year to enjoy, hiking, fishing, boating, camping, hunting, bird watching, etc.	Comment acknowledged. Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.  Please see section 3.12.2, where text describes potential impacts to recreation.  Please see sections 3.1.2, 3.2.2, and 3.3.2, where text describes potential impacts to geologic resources, surface water resources, and groundwater resources, respectively.  Please see section 3.6.2 where text describes potential impacts to fish and wildlife resources.	8/19/2008 Terry Vanderpool Tonna Vanderpool
C 23.3	I am writing to express my concerns of the proposal...to mine within 1600 feet of the dam. Mining could impact the integrity of the dam and the environmental impacts to the water quality, fish, wildlife and plant life could be irreversible	See response to comment C 21.1	8/19/2008 Terry Vanderpool Tonna Vanderpool



## Appendix J—RESPONSE TO COMMENTS

**BLM-Eastern States Milwaukee Field Office**



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 23.7	<p>No two words carry more drama and pain in the West Virginia coalfields than--Buffalo Creek. Those two words symbolize all the dangers of surface mining. They speak of the callous attitude of the mines sometimes show towards those who live nearby. As you well know, over thirty years ago, one of the deadliest floods in the U.S. history occurred in southern West Virginia's Buffalo Creek hollow. Negligent strip mining and heavy rain produced a raging flood and in a matter of minutes, 118 were dead, over 4,000 people were left homeless and seven were never found.</p> <p>In 1967, the U.S. Department of the Interior had warned West Virginia state officials the Buffalo Creek dam and 29 others throughout West Virginia were unstable and dangerous. Historian John Alexander Williams once wrote: "In West Virginia, history often repeats itself. Perhaps the fact that our history is so painful explains why it is so poorly understood."</p>	<p>Comment acknowledged.</p> <p>Proposed mining would be performed underground, and any related surface activities would occur on existing, private, permitted facilities. The proposed mining would be performed in accordance with state and federal regulations and permit requirements.</p> <p>Impacts to geologic resources and existing structures (section 3.1.2), surface water, groundwater, fish and wildlife, vegetation and soils are anticipated to be minimal.</p> <p>Please see chapter 3.</p>	<p>8/19/2008 Terry Vanderpool Tonna Vanderpool</p>
C 23.8	<p>We understand that coal mining is very important to West Virginia's economy, but it needs to be done responsibly and with adequate foresight and anticipation of consequences--if regulatory and enforcement agencies are weakened or circumvented, the chances of mining in a responsible way are diminished.</p>	<p>Comment acknowledged.</p> <p>The proposed mining would be performed in accordance with state and federal regulations and permit requirements.</p>	<p>8/19/2008 Terry Vanderpool Tonna Vanderpool</p>



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 23.9	The current 90-day comment period ends on September 24, 2008. This report has not been properly reviewed by the public. Very little public participation has taken place. The public comment period needs to be extended at the very least 180 days. ...	Comment acknowledged. The public review and comment period was extended 45 days, to 11/10/2008, giving the public 135 days to review and comment.	8/19/2008 Terry Vanderpool Tonna Vanderpool
C 24.1	Do not trade the natural beauty of the much used East Lynn Lake, for big coal profits.	Comment acknowledged. The proposed mining would be underground mining, which would be performed in accordance with state and federal regulations and permit requirements.  Please see section 3.15.2, where text describes the potential impacts to visual resources.  Please see section 3.12.2, where text describes potential impacts to recreation resources.	8/31/2008 Mark Connelly
C 24.2	There are many safety issues to consider.	Comment acknowledged. Regarding stability of the dam, please see section 3.1.2, where text describes potential impacts to the dam and other existing structures. If the proposed action and RFDS are implemented, mining would be performed in accordance with state and federal health and safety regulations.	8/31/2008 Mark Connelly
C 24.3	Seepage into deep mines can cause extreme problems for the entire area of West Virginia. Please say NO to this coal lease.	Comment acknowledged. Please see section 3.3.2, where potential impacts to groundwater are described.	8/31/2008 Mark Connelly



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 25.1	Unless the companies seeking approval to do so have completely exhausted the coal within their own property now, the proposal should not even be considered.	Comment acknowledged.	8/31/2008 Nora Copeland
C 25.2	I lived in the area before the dam was built and remember all too well the destruction of flooding during the sixties. Homes were destroyed or severely damaged, and well water was contaminated. I can only imagine the mess generated when the dam and surrounding property is damaged by mining in the area.	Comment acknowledged. Please see section 3.1.2, where text describes potential impacts to geologic resources and existing structures including the East Lynn Lake dam.  Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.  Please see section 3.3.2, where text describes potential impacts to groundwater resources.	8/31/2008 Nora Copeland
C 25.3	I am disappointed in Rahall who sneaked that legislation in making this the only property managed [by the] Corps which can be regulated by the Land Management group instead.	See response to comment C 17.3	8/31/2008 Nora Copeland
C 25.4	My grandparents and great grandparents lie in graves above the Rockspring mine facility on Camp Creek. I think I know what damage can be done.	Comment acknowledged. Minimal impacts to cultural resources are anticipated.  Please see section 3.10.2, where potential impacts to cultural resources are described.  Please see section 3.1.2, where potential impacts to geologic resources and existing structures are described.	8/31/2008 Nora Copeland



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 26.1	I think mining this close to East Lynn Lake is bad business...If we lose the lake and all it has to offer it will destroy the fishing, water quality, local animal species, local economy and the hearts of the local people.	<p>Comment acknowledged.</p> <p>The proposed mining is anticipated to have minimal negative impact on environmental resources. Positive cumulative effects are anticipated to socioeconomic resources.</p> <p>Please see section 4.1, where text describes cumulative effects to geologic resources and existing structures including the East Lynn Lake dam.</p> <p>Please see section 4.12, where text describes potential cumulative effects to recreation.</p> <p>Please see sections 4.2 and 4.3, where text describes potential cumulative effects to water resources.</p> <p>Please see section 4.6, where text describes potential cumulative effects to fish and wildlife resources.</p> <p>Please see section 4.8, where text describes potential cumulative effects to socioeconomic resources.</p>	<p>9/1/2008 Matt Spoon</p>
C 27.1	Please add me to the mailing list to receive updates about the ELL Coal Lease project.	<p>Comment acknowledged.</p> <p>The commenter's name has been added to the mailing list.</p>	<p>9/7/2008 Stacy Nida</p>
C 28.1	That land was set aside for the public trust and should be unavailable for use by private coal companies. According to the Herald-Dispatch, it's the only land in the nation that bypasses the usual process through the Corps of Engineers. That's a real issue, since it is now vulnerable to the like so coal companies that are uninterested in what is best for the public.	<p>See response to comment C 17.3</p>	<p>9/8/2008 Cheyenna Weber</p>



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 28.2	Keep East Lynn Lake public, safe, and clean. Please reject the applications from coal companies to lease the property.	Comment acknowledged.	9/8/2008 Cheyenna Weber
C 29.1	It's destructive and damages the ecosystem balance. Do your job--protect our public lands, waters and wildlife!	Comment acknowledged. Impacts to geologic resources and existing structures, surface water, groundwater, fish and wildlife, vegetation and soils are anticipated to be minimal.  Please see chapter 3.	9/8/2008 Lydia Garvey
C 30.1	Massive mining operations so close to the lake [and] dam will be very likely to pollute it at least, and--at worst--irreparably damage, possibly even destroy the dam, OR the area may suffer a spillage [and] leakage incident similar to that which happened in KY in 2000...	See responses to comments C 16.1 and C 23.7	9/9/2008 Robin Blakeman
C 30.2	I understand that the potential benefit of this project is to the FEDERAL government, NOT to state & local entities.	Federal and state governments would receive royalties and other revenues if the proposed action and RFDS are implemented and the mined coal is sold. Distribution at the state level to local entities is governed by state law.  Please see section 3.8.2, where potential impacts to socioeconomic resources, including the revenue distribution between federal and state governments, are described.	9/9/2008 Robin Blakeman
C 30.3	This is a major economic [and] environmental disaster waiting to happen.	Comment acknowledged. Minimal impacts to environmental resources are anticipated. Positive impacts to socioeconomic resources are expected.	9/9/2008 Robin Blakeman



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
		Please see chapter 3.	
C 30.4	...what about tourism in our "wild & wonderful" state?	Please see section 3.12.2, where text describes potential impacts to recreation. Please see section 3.15.2, where text describes potential impacts to visual resources.	9/9/2008 Robin Blakeman
C 31.1	[R]emember, the lake and land was purchased with taxpayers (you and me) money. So how can the U.S. government sell / lease my land and your land, and our grandchildren's land?	Comment acknowledged. This comment is outside the scope of this NEPA LUA/EIS.	9/10/2008 Don Cottle
C 32.1	Let the coal mines find other places to mine.....why take advantage of tax payers land and the[i]r play grounds...	Comment acknowledged. This comment is outside the scope of this NEPA LUA/EIS.	9/11/2008 Concerned Outdoorsman and fisherman
C 32.2	...they call it the dead sea now, but let more mines open up around it, talk about being DEAD!	Comment acknowledged. Proposed mining would be performed underground, and any related surface activities would occur on existing, private, permitted facilities. Impacts to geologic resources and existing structures, surface water, groundwater, fish and wildlife, vegetation and soils are anticipated to be minimal.  Please see chapter 3.	9/11/2008 Concerned Outdoorsman and fisherman
C 32.3	It's a great lake to fish in the spring, but if the mines move in it will be dead! Lots of people like camping there and hiking around the lake, so let the mines find other places to mine!	Comment acknowledged. Please see section 3.6.2, where text describes potential impacts to fish and wildlife.  Please see section 3.12.2, where text describes potential impacts to recreation.	9/11/2008 Concerned Outdoorsman and fisherman



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 32.4	And why did the state pay \$55.5 million to acquire the mineral rights???????? Plus \$37 million to acquire the land and build the lake. So why waste that kind of money, that kind of money would have kept everyone in East Lynn a long time.	Comment acknowledged. This comment is outside the scope of this NEPA LUA/EIS.	9/11/2008 Concerned Outdoorsman and fisherman
C 33.1	The Corps of Engineers has paid over 55 million dollars of taxpayers' money to acquire mineral rights to protect the integrity of the East Lynn Lake. Has the coal become so valuable that our representatives have sold us out to the coal companies. I hope that our government will again look at the mission of East Lynn Lake. No where in the mission is there any mention of mineral extraction.	Comment acknowledged. This comment is outside the scope of this NEPA LUA/EIS.	9/27/2008 Maudie Christian
C 33.2	The coal companies are trying to sell the idea through economic impact on Wayne County. This is a very short-sighted approach since the coal companies say mining jobs will be extended only another 10-15 years.	Comment acknowledged.	9/27/2008 Maudie Christian
C 33.3	What about the economic impact of hunting, fishing, camping, and other recreational activities that will last for generations?	Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.  Please see section 3.12.2, where text describes potential impacts to recreation.	9/27/2008 Maudie Christian
C 33.4	I think this is a disgrace that through eminent domain that the government can evict people from their property and then later lease it to a coal company.	Comment acknowledged. This comment is outside the scope of this NEPA LUA/EIS.	9/27/2008 Maudie Christian



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C 33.5	It has only been about a decade ago that we watched in horror as the black slurry rushed into the Big Sandy [and] Ohio rivers in one of the worst environmental disasters in this country. Relatively little punishment was done to that coal company. [Martin County Coal Company]	<p>Comment acknowledged.</p> <p>Proposed mining would be performed underground, and any related surface activities would occur on existing, private, permitted facilities. The proposed mining would be performed in accordance with state and federal regulations and permit requirements.</p> <p>Impacts to geologic resources and existing structures, surface water, groundwater, fish and wildlife, vegetation and soils are anticipated to be minimal.</p> <p>Please see chapter 3.</p>	<p>9/27/2008</p> <p>Maudie Christian</p>
C 34.1	We are not anti-mining, but we are against mountain top removal mining	<p>Comment acknowledged.</p> <p>Proposed mining would be performed underground.</p>	<p>11/7/2008</p> <p>Tonna Vanderpool</p> <p>Terry Vanderpool</p>
C 34.2	East Lynn Lake plays a vital role in the protection of Wayne County, West Virginia, residents and properties from annual flooding.	<p>Comment acknowledged.</p> <p>Please see section 3.1.2, where text describes potential impacts to geologic resources and existing structures including the East Lynn Lake dam.</p> <p>Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.</p>	<p>11/7/2008</p> <p>Tonna Vanderpool</p> <p>Terry Vanderpool</p>



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C 34.3	[East Lynn Lake] is also vital to the economy bringing thousands of tourist[s] to Wayne County, West Virginia each year to enjoy, hiking, fishing, boating, camping, hunting, bird watching, etc.	<p>Comment acknowledged.</p> <p>Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.</p> <p>Please see section 3.12.2, where text describes potential impacts to recreation.</p> <p>Please see sections 3.1.2, 3.2.2, and 3.3.2, where text describes potential impacts to geologic resources, surface water resources, and groundwater resources, respectively.</p> <p>Please see section 3.6.2 where text describes potential impacts to fish and wildlife resources.</p>	<p>11/7/2008</p> <p>Tonna Vanderpool Terry Vanderpool</p>
C 34.4	When the <i>Water Resources Development Act</i> was passed in 1999, Rep. Nick Rahall successfully inserted an amendment that removed the Corps of Engineers consent authority over the mineral rights at East Lynn Lake. The amendment instead places that authority with the U.S. Bureau of Land Management....East Lynn Lake remains the only publicly-owned property in the nation where the BLM can bypass approval of the surface management agency (USACE) to lease mineral rights, according to BLM officials.	See response to comment C 17.3	<p>11/7/2008</p> <p>Tonna Vanderpool Terry Vanderpool</p>



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 34.5	The USACE is [a] cooperating agency, but according to Comments (23 pages) they do not agree with the Environment Impact Draft. Their statement that appears on page 3 of the EIS says "Because it was considered necessary to acquire the coal in order to ensure realization of optimum values for all...purposes the USACE Huntington District has rejected proposals to perform surface or underground mining of the federal coal that lies under the USACE East Lynn Lake."	See response to comment C 17.3	11/7/2008 Tonna Vanderpool Terry Vanderpool
C 34.6	The USACE considers the life of its East Lynn Lake Project to be 100 to 200 years, and has expressed concern regarding the proposed mining associated with the proposed action. The USACE is concerned about potential impact to the integrity of the dam, the reservoir, and the land surface within the East Lynn Lake project that could result from this relatively short-term project, which is expected to extend mining in the area around the lake by 10 to 15 years. My concern with the action is if the USACE is not fit or qualified to manage East Lynn Lake in Wayne County, West Virginia, then why is it the final authority on allowing mining companies to conduct mountaintop removal mining, sludge impoundments, and all water quality control permits.	Comment acknowledged. This comment is outside the scope of this NEPA LUA/EIS.	11/7/2008 Tonna Vanderpool Terry Vanderpool



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 34.7	The draft Environmental Impact Statement seems to be full of misinformation or inaccuracies. Including the statement that East Lynn Lake is an impaired body of water. To the point the West Virginia Dept. of Environmental Protection states that the tributaries are impaired...In addition the WVDEP is severely understaffed in enforcement and recently forfeited on more than two Billion [dollars] in fines.	Comment acknowledged. Text indicating that East Lynn Lake was included on the 303(d) list in the Draft LUA/ Draft EIS has been corrected.  Regarding staffing of the West Virginia Department of Environmental Protection (WVDEP), this comment is outside the scope of this NEPA LUA/EIS.	11/7/2008  Tonna Vanderpool Terry Vanderpool
C 34.8	The ethical question also arises, should the federal government condemn hundreds of family's land and mineral rights and then allow a coal company to come in and make possibly hundreds of millions if not billions. It is my understanding one of these companies is owned by a German company. It is also my understanding that the majority of this coal is to be shipped overseas.	Comment acknowledged. This comment is outside the scope of this NEPA LUA/EIS.	11/7/2008  Tonna Vanderpool Terry Vanderpool
C 34.9	...I and others in the surrounding area have submitted a list of questions to the Department of the Interior during the public comment meeting that was held in Wayne Town Hall on Thursday, July 31, 2008. We were given five minutes to comment with no answers given. A geologist, Dr. Ronald Martino from Marshall University stated that the strata in the area are fractured and that there is satellite evidence to support this claim.	Comment acknowledged. Comments submitted during the BLM's public hearing for the Draft LUA/Draft EIS have been reviewed and responses are included in this appendix.	11/7/2008  Tonna Vanderpool Terry Vanderpool



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 34.10	<p>There has been no third party oversight. The company has paid a consulting firm one million dollars to prepare this report and they have had since November 1999 to prepare this document. It does not seem fair that we only get 90 days; however we were granted an additional 45-day extension. We requested an additional public meeting during the 45-day extension and it was denied by BLM Chris Carusona. Why would the BLM grant the public's request to extend the comment period 45 days then not hold another meeting to address the public's concerns?</p> <p>We also request an additional meeting where they actually interact with us and answer the public's questions. The only public [meeting was] held with no interaction, they just stared at us blankly and set the time to ensure we didn't go over our five minutes.</p>	<p>Comment acknowledged.</p> <p>The third-party preparer was selected by BLM and paid for by the Applicants as is usual practice. Preparation of the document began in October 2006.</p> <p>Section 5.1 describes the public involvement for Land Use Analysis/Environmental Impact Statement (LUA/EIS). The BLM's NEPA process provides for both public and agency involvement in the development of the LUA/EIS. Public involvement took place during the scoping period, the socio-economic workshop, the review period after the Draft LUA/Draft EIS (DLUA/DEIS) was issued, and will take place during a public-protest period after the Final LUA/Final EIS (FLUA/FEIS) is issued. Comments and data are also solicited from federal, state, and local agencies.</p> <p>Four public meetings were held during development of the East Lynn Lake Coal Lease LUA/EIS:</p> <ul style="list-style-type: none"> <li>- A public scoping meeting was held in the evening on November 6, 2006 in Wayne, West Virginia at the Wayne County Community Services building.</li> <li>- A second, unplanned public scoping meeting was held in the evening on November 7, 2006 at the Ramada Inn Limited in Huntington, West Virginia as a result of local media misprinting the date, time, and location of the official public scoping meeting. This second scoping meeting was held at the date, time, and location that were misprinted to ensure that everyone who was misinformed had an opportunity to participate.</li> </ul>	<p>11/7/2008</p> <p>Tonna Vanderpool Terry Vanderpool</p>

**BLM-Eastern States Milwaukee Field Office**



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**Appendix J—RESPONSE TO COMMENTS**

Comment No.	Comment	Response	Date Received/ Name
		<ul style="list-style-type: none"> <li>- A socio-economic workshop was held in the evening on March 27, 2007 in Wayne, West Virginia at the Wayne County Courthouse.</li> <li>- A public hearing was held on July 31, 2008, allowing the public to verbally comment on the Draft Land Use Analysis and Environmental Impact Statement, in Wayne, West Virginia at the Wayne Town Hall. Three of these public meetings were held in Wayne, West Virginia which is the county seat and commercial center of Wayne County and within 15 miles of the project site.</li> </ul> <p>The 90-day public review period of the draft LUA/ EIS was extended another 45 days, providing a total of 135 days for public review of the document. Comments were collected during the public hearing, and via e-mail and U.S. postal mail. Responses are presented in the FLUA/FEIS. The last period of public involvement, the public-protest period, will be announced when the FLUA/FEIS is released.</p> <p>Calls for participation in each of these meetings were announced in the local papers, as well as the Federal Register, and details provided to allow the public to participate in the LUA/EIS process.</p>	



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 34.11	We understand that coal mining is very important to West Virginia's economy, but it needs to be done responsibly and with adequate foresight and anticipation of consequences--if regulatory and enforcement agencies are weakened or circumvented, the chances of mining in a responsible way are diminished.	Comment acknowledged. The proposed mining would be performed in accordance with state and federal regulations and permit requirements. Negative impacts to resources are anticipated to be minimal.  Please see chapter 3.	11/7/2008  Tonna Vanderpool Terry Vanderpool
C 34.12	The Corps had good reason to guard against mining under the East Lynn recreation area, and this safeguard has been circumvented. It is unsettling that the oversight of the East Lynn Lake has been taken away from the Corps of Engineers and given to the Bureau of Land Management. We request that the oversight of the East Lynn Dam be given back to the proper entity which is the U.S. Corps of Engineers.	See response to comment C 17.3	11/7/2008  Tonna Vanderpool Terry Vanderpool



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 34.13	<p>No two words carry more drama and pain in the West Virginia coalfields than Buffalo Creek. Those two words symbolize all the dangers of surface mining. They speak of the callous attitude of the mines sometimes show towards those who live nearby. As you well know, over thirty years ago, one of the deadliest floods in the U.S. history occurred in southern West Virginia's Buffalo Creek hollow. Negligent strip mining and heavy rain produced a raging flood and in a matter of minutes, 118 were dead, over 4,000 people were left homeless and seven were never found.</p> <p>In 1967, the U.S. Department of the Interior had warned West Virginia state officials the Buffalo Creek dams and 29 others throughout West Virginia were unstable and dangerous. Historian John Alexander Williams once wrote: "In West Virginia, history often repeats itself. Perhaps the fact that our history is so painful explains why it is so poorly understood."</p>	<p>Comment acknowledged.</p> <p>Proposed mining would be performed underground, and any related surface activities would occur on existing, private, permitted facilities. The proposed mining would be performed in accordance with state and federal regulations and permit requirements. Impacts to geologic resources and existing structures (section 3.1.2), surface water, groundwater, fish and wildlife, vegetation and soils are anticipated to be minimal.</p> <p>Please see chapter 3.</p>	<p>11/7/2008</p> <p>Tonna Vanderpool Terry Vanderpool</p>
C 35.1	<p>..very beneficial to the communities in the surrounding areas, providing many jobs and hundreds of thousands of dollars in taxes going to schools and throughout the community. ...help end our dependence on foreign oil.</p>	<p>Comment acknowledged.</p> <p>Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.</p>	<p>11/9/2008</p> <p>Brad Maggard</p>



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 35.2	With modern mining technologies there will be minimal environmental impact. Help end our dependance [sic] on foreign oil. It's good for Wayne County, it's good for West Virginia, it's good for America.	Comment acknowledged.	11/9/2008  Brad Maggard
C 36.1	Because so many residents depend upon continued responsible coal extraction for their livelihoods, and because the underground mining proposed will not decrease the tourism or recreation potential of the lake, I believe the only decision that the BLM could make in good conscience is one that supports jobs for members of a[n] economically-struggling community.	Comment acknowledged. Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.  Please see section 3.12.2, where text describes potential impacts to recreation.	11/10/2008  Annie Maggard
C 36.2	The fifty-six millions dollars that West Virginia would receive in severance taxes, and the three million that would be dispersed directly to coal-producing counties, would further supplement the economic drive that would come from the creation of jobs for coal miners and related contractors and manufacturers in the area.	Comment acknowledged. Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.	11/10/2008  Annie Maggard
C 36.3	My familiarity with underground mining and reclamation methods (and the extensive planning in the draft LUA/EIS and required by the subsequent permitting process) allow me to say with confidence that any effects on the lake will be managed and mitigated in order to ensure maintained flood control potential and recreational opportunities for generations to come.	Comment acknowledged.	11/10/2008  Annie Maggard



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 37.1	This would undoubtedly lead to contamination of water supplies.	Comment acknowledged. Minimal impacts to water resources are anticipated.  Please see sections 3.2.2 and 3.3.2, where text describes potential impacts to water resources.	11/10/2008  Patricia A. Jackson
C 37.2	High potential to cause damage to a beautiful lake that is now used for fishing and recreation which was part of the reason for spending millions to build.	Comment acknowledged. Minimal negative impacts to resources are anticipated.  Please see section 3.1.2, where text describes potential impacts to geologic resources and existing structures.  Please see section 3.15.2, where text describes potential impacts to visual resources.  Please see section 3.12.2, where text describes potential impacts to recreation resources.	11/10/2008  Patricia A. Jackson
C 37.3	The ethical issue regarding people being asked to give up their property in the 1960's for the reason of flood control, water quality and recreation. My family home was one piece of this property. Property owners were given only a small price for their property, yet it looks like..Columbia Gas made millions on the mineral rights.	Comment acknowledged. This comment is outside the scope of this NEPA LUA/EIS.	11/10/2008  Patricia A. Jackson



**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 38.1	<p>The government bought our property and we had to move in 1968. The dam was built for flood control, but our property was bought for the purpose of recreation surrounding the lake, and was supposed to be protected from coal mining by the Corps of Engineers. The lake was created by the Corps for flood control and recreation, not for companies to come in and mine around and possibly damage the lake.</p> <p>I feel it's wrong that my family didn't have a choice in moving from the land that was bought by the Corps of Engineers. The land and later the mineral rights were bought to protect the area around the lake from coal mining. Now, it is not fair at all that large companies will be able to make a profit from the land and minerals that my family didn't have a choice in selling.</p>	<p>Comment acknowledged. This comment is outside the scope of this NEPA LUA/EIS.</p>	<p>11/10/2008  Deloris Dillon</p>
C 38.2	<p>..mining will destroy the beauty of the property, which was set aside for recreation, around the entrances to the deep mines.</p>	<p>Comment acknowledged. Please see section 3.15.2, where text describes potential impacts to visual resources.</p> <p>Please see section 3.12.2, where text describes potential impacts to recreation.</p>	<p>11/10/2008  Deloris Dillon</p>



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 38.3	We also don't [know] how the mining will affect the water table. The proposal says that mining might even take place within 200 feet of the lake, which is way too close to be doing mining near a lake. Will that small space of earth and coal hold back contaminated underground water from seeping into the lake itself?	Please see section 3.3.2, where text describes potential impacts to groundwater resources, and section 3.2.2 where text describes potential impacts to surface water resources.	11/10/2008 Deloris Dillon
C 39.1	I am concerned about the effect on water quality by the proposed mining. The plan to mine within approximately 200 feet of the lake itself and within a little over 1500 feet of the dam is ill-advised. As a resident of the coalfields of Kentucky, I know how common blow-outs from underground mines are, even when the best precautions are taken.	<p>Comment acknowledged.</p> <p>Please see section 3.1.2c3 for a description of the barrier analysis, and sections 3.2.2 and 3.3.2 for descriptions of potential impacts to water resources. Minimal impact to water resources or existing structures, including the dam, is anticipated. The planned protective barrier of 200 feet around the lake is based on guidance in the U.S. Bureau of Mines Circular 8741 (Babcock and Hooker 1977) and is commonly used to assess adequacy of overburden near impounded surface water bodies. Figure 3.1-14 presents a schematic of the proposed 200-ft. protective barrier.</p> <p>In addition, mine workings will be 100-150 feet away from the recommended barrier in areas where the overburden is less than 100 feet thick or in areas where the coal seam is exposed or "outcrops" at the surface. The 200-ft. planned barrier is also measured from the spillway elevation of the dam (701 ft. amsl), and thus will be further in practice from the normal operating pool.</p> <p>The lease boundary of 1,585 feet from the dam is much greater than the 200-ft. setback recommended in the U.S. Bureau of Mines Circular 8741 (Babcock and</p>	11/10/2008 Sara Pennington



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		<p>Hooker 1977). Figure 3.1-14 presents a diagram of the recommended setback from a dam based on Babcock and Hooker (1977).</p> <p>Resource specialists performed an independent evaluation of the likely extent of subsidence due to mining in the proposed lease tracts closest to the dam. This analysis shows that subsidence effects, if any occur, would likely be more than 1,000 feet from the dam or the USACE building located about 350 feet southeast of the dam. No impacts to dam integrity are expected.</p> <p>These protective measures are also consistent with additional U.S. Office of Surface Mining Reclamation and Enforcement (OSM) guidance (2001, 2007) and normal engineering practice.</p>	
C 39.2	<p>Not only is this an environmental concern, but an economic one: protecting the waters of East Lynn Lake will insure future recreational use of the Lake. Even the Corp[s] of Engineers, the surface manager of the area, believes that "significant long-term adverse impacts are expected to result from the proposed action."</p>	<p>Comment acknowledged.</p> <p>As noted in the Draft LUA/Draft EIS, minimal negative impacts to environmental resources are anticipated. Positive impacts are anticipated to socioeconomic resources.</p> <p>Please see sections 3.4.2, 3.5.2, 3.6.2, and 3.7.2, where text describes potential impacts to soil, vegetation, fish and wildlife, and proposed, endangered, threatened and special status species, respectively.</p> <p>Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.</p> <p>Please see section 3.12.2, where text describes potential impacts to recreation.</p>	<p>11/10/2008</p> <p>Sara Pennington</p>



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 39.3	I am concerned about the ethics of this process. \$37 million of federal money was used to purchase the land for the Lake prior to 1968 and \$55.5 million was later spent to buy the mineral rights under that land to protect it from coal mining. To turn around and lease those rights to other entities--without the consent of the original property or mineral owners--is unethical. It is a slap in the face to those who moved and sold when they didn't want to move from or sell the land they cherished. Additionally, they were robbed of the opportunity to profit from leasing the rights and/or the land.	Comment acknowledged. This comment is outside the scope of this NEPA LUA/EIS.	11/10/2008  Sara Pennington
C 39.4	...leasing of these public lands for underground coal mining will set a bad precedent, leading to a push for future approval for surface mining by the coal companies in 10-15 years or so when they expect the underground coal supplies to be exhausted. Such possible surface mining will surely ruin the waters of the Lake and downstream watershed as run-off leaches heavy metals such as arsenic and selenium. While I acknowledge this is only a concern about a hypothetical situation, I believe it is the Bureau's duty to prevent this slippery slope (both metaphorically and literally) by protecting these lands from all forms of coal mining.	Comment acknowledged. This comment is outside the scope of this NEPA LUA/EIS. Mining by methods other than those described in the proposed action and RFDS would be subject to NEPA review if they should be proposed in the future.	11/10/2008  Sara Pennington



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 39.5	I would appreciate a copy of the decision sent to [address given]	The commenter's name has been added to the mailing list.	11/10/2008  Sara Pennington
C 40.1	The three criteria stated above [200 ft barrier around the lake, the 100 ft protective barrier in the vicinity of coal outcrops, and to avoid mining wherever overburden thickness is less than 100 feet]. For example: if the operator wishes to mine to 100 feet of the outcrop, as allowed in the definition, he must also satisfy the 100 ft overburden requirement. Where the hillside slopes are less than 45 degrees, as they are in most locations, the operator will have to leave more coal in the barrier in order to satisfy both criteria. Similarly, if the operator wishes to mine to the 100 ft width, but that location is within 200 feet of the lake, as defined by the 701 foot elevation, then the operator must respect the 200 ft limit. The 200 ft limit on mining is frequently even more protective than it appears because the summer pool elevation is 662 feet. Assuming a 1:1 surface slope and the coal outcrop at the summer pool elevation, then the barrier thickness would be 239 feet. At a 2:1 slope, the barrier would be 278 feet thick. At some locations, these criteria result in outcrop barrier pillars that are 350 to 430 feet thick as shown on Argus Energy WV, LLC's map entitled "BLM aerial mapping 1-model."	Comment acknowledged.	11/10/2008  Bruce R. Leavitt



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 40.2	<p>[Three-page analysis based on criteria presented in Kohli and Block 2007 "Outcrop Barrier Design for Above Drainage Coal Mines."] ...The barrier pillars proposed for the Argus Energy tracts are more than adequate as defined by the Rule of Thumb method under maximum potential head conditions...It has been suggested, that high lake levels may also be a potential mode of barrier pillar failure. This is an extremely unlikely possibility for several reasons: [five given]. Based on this analysis barrier pillar failure, from the lake to the mine, due to high water levels in East Lynn Lake is unlikely in the extreme.</p> <p>Based on this analysis barrier pillar failure, from the lake to the mine, due to high water levels in East Lynn Lake is unlikely in the extreme.</p>	Comment acknowledged.	<p>11/10/2008</p> <p>Bruce R. Leavitt</p>
C 40.3	<p>...Field reconnaissance has shown that some, possibly all, of the mapped lineaments are actually not fracture systems. All of the mapped lineaments need to be field verified. However, this is a task that is more properly done under the mine permitting process....Inflow, from the lake to the mine is very unlikely due to the elevation of the coal, and the absence of lineaments where the coal is below lake level.</p>	Comment acknowledged.	<p>11/10/2008</p> <p>Bruce R. Leavitt</p>



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 40.4	Analysis of the proposed barrier pillars for the Argus Energy Lease Tracts A, B, and C show that under normal conditions the barriers are adequate using the Rule of Thumb method. Barrier pillars designed using Rule of Thumb method have not experienced failure in those barrier pillar failures that have been studied.	Comment acknowledged.	11/10/2008 Bruce R. Leavitt
C 41.1	Our community requests you come to a local church (perhaps Cove Gap UB Church established in 1872[]) and conduct a community meeting with our people to include representatives from Argus and Rockspirngs [sic] prior to approving this matter.	<p>Comment acknowledged.</p> <p>Section 5.1 describes the public involvement for this Land Use Analysis/Environmental Impact Statement (LUA/EIS). The BLM's NEPA process provides for both public and agency involvement in the development of the LUA/EIS. Public involvement took place during the scoping period, the socio-economic workshop, the review period after the Draft LUA/Draft EIS (DLUA/DEIS) was issued, and will take place during a public-protest period after the Final LUA/Final EIS (FLUA/FEIS) is issued. Comments and data are also solicited from federal, state, and local agencies.</p> <p>Four public meetings were held during development of the East Lynn Lake Coal Lease LUA/EIS:</p> <p>A public scoping meeting was held in the evening on November 6, 2006 in Wayne, West Virginia at the Wayne County Community Services building.</p> <ul style="list-style-type: none"> <li>- A second, unplanned public scoping meeting was held in the evening on November 7, 2006 at the Ramada Inn Limited in Huntington, West Virginia as a result of local media misprinting the date, time, and location of the official public scoping meeting.</li> </ul>	11/24/2008 Verenia C. Abbott



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		<p>This second scoping meeting was held at the date, time, and location that were misprinted to ensure that everyone who was misinformed had an opportunity to participate.</p> <ul style="list-style-type: none"> <li>- A socio-economic workshop was held in the evening on March 27, 2007 in Wayne, West Virginia at the Wayne County Courthouse.</li> <li>- A public hearing was held on July 31, 2008, allowing the public to verbally comment on the Draft Land Use Analysis and Environmental Impact Statement, in Wayne, West Virginia at the Wayne Town Hall.</li> </ul> <p>Three of these public meetings were held in Wayne, West Virginia which is the county seat and commercial center of Wayne County and within 15 miles of the project site.</p> <p>The 90-day public review period of the draft LUA/ EIS was extended another 45 days, providing a total of 135 days for public review of the document. Comments were collected during the public hearing, and via e-mail and U.S. postal mail. Responses are presented in the FLUA/FEIS. The last period of public involvement, the public-protest period, will be announced when the FLUA/FEIS is released.</p> <p>Calls for participation in each of these meetings were announced in the local papers, as well as the Federal Register, and details provided to allow the public to participate in the LUA/EIS process.</p>	



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 41.2	Many residents in this community are extremely upset regarding the environmental impact the extraction of the vast natural resources we have been subjected to. For instance, the noise, increased traffic...	Comment acknowledged. Noise and traffic would continue at present levels for an extended period of time, but no increase is anticipated.  Please see the expected impacts for noise, section 3.14.2.	11/24/2008 Verenia C. Abbott



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C 41.3	<p>..and primarily the depletion of our most valuable natural resource, our drinking water supplies. Currently, our neighborhood populated with families spanning over several generations are reduced to surviving from potable water tanks because our wells have been depleted. Our nearest city water supply is at the East Lynn Fire Department, which is 13 miles from our community.</p> <p>One 70 year old resident hauls a smaller water tank on his truck and goes about the neighborhood filling his neighbor's tanks so they can flush their toilets and brush their teeth.</p> <p>Having already suffered dearly, we need reassurance the coal companies are going to work along side our communities and easing the environmental impact and giving back to the communities from which they extract our valuable natural resources.</p> <p>We have requested Argus and Rocksprings [sic] assist us in obtaining city water service to..replace the water that was depleted from our citizens. Rocksprings [sic] has agreed to contribute \$75,000 and Randall Maggard, Argus representative advised we should seek assistance from our local, state and federal agencies.</p>	<p>Comment acknowledged.</p> <p>No wells used for domestic water supply are located on the proposed lease tracts. No impacts are expected to wells used for domestic water supply.</p>	<p>11/24/2008</p> <p>Verenia C. Abbott</p>



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
C 41.4	Please consider the citizens of our wonderful community. Many families have been in the area for nearly two centuries. Many families sold their mineral rights for only \$100 per acre. While others were forced to leave their homes and lost their mineral rights through eminent domain when the East Lynn Lake Flood Control Project was instituted. This community has given so much to industry, country, state and county.	Comment acknowledged.	11/24/2008 Verenia C. Abbott
C 41.5	Also, WV Department of Environmental Protection just completed Total Maximum Daily Load studies in the camp Creek=Twelve Pole Subsidiaries and it seems the results are that metal content from mining operations seeps in the little well water rema[in]ing and most likely contaminates our streams and the wildlife that live in our streams. (8 out of 10 streams studied resulted in the highly contamin[ate]ed metal content)	The 2006 303(d) list is referenced in the LUA/EIS. The draft 2008 303(d) list also includes streams in the study area. Sources of impairment were not identified by WVDEP in either document. Total maximum daily loads (TMDLs) have not yet been completed by WVDEP in the East Fork of Twelvepole Creek watershed. The available data were used to complete the analysis. The database is considered adequate for the analysis.	11/24/2008 Verenia C. Abbott



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 1.1	..the potential influence of fracture systems that are related to the lineaments. There are over a dozen lineaments that show up on satellite imagery that indicate fracture systems transacting these areas going across the lake.	Lineaments may indicate fractures or faults, but they may also indicate other ground features, including many types of surficial and cultural features (old roads or trails, property/land use boundaries, pipelines, geomorphic features).	7/31/2008 Ron M[a]rtino
PH 1.2	There are water wells that have been drilled to depths of 125 feet, yet it's indicated that coal will be extracted with the overburden being a little over 100 feet thick. So it is pretty clear that there is potential for places where their coal is going to be mined where it will impact the groundwater system and it will impact the direction and the rate of flow within those aquifers and the water in some of them.	Comment acknowledged. The potential for water wells in the immediate vicinity of the underground workings to be impacted exists and has been addressed in the document. It should be noted that there are no residential wells located above the proposed lease tracts, which minimizes the potential for impact.	7/31/2008 Ron M[a]rtino
PH 1.3	There are reports that the selenium levels are pretty high in the Coalberg analysis of the stock of the Five Block...Is the selenium level for the coal and the rocks immediately adjacent to it known in the permit area? And are there problems with selenium levels in the streams that are coming out of those mined areas now that could be worsened by opening up these new areas of mining?	Water quality data indicate either non-detectable or concentrations of selenium at near detection limits in surface water in East Lynn Lake. Measured concentrations were not above the USEPA chronic water-quality standards.	7/31/2008 Ron M[a]rtino



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 1.4	.. The U.S. Army corps of Engineers, bought up coal in the East Lynn Lake project areas to... protect the project area because of the potential impact on the integrity of the dam, the reservoir, and the land service...what is different now? Aren't these threats still there, that the Corps of Engineers was taking into account of why-- is there less of a threat now than there was before?	See response to comment C 17.3	7/31/2008 Ron M[a]rtino
PH 1.5	In 2006, East Lynn Lake's water quality was classified as impaired by West Virginia DEP. It did not cite specific causes for it...but mining in the area is obviously a contributing factor. And until those sources that are impairing the current quality are identified, I think permitting more mining in the basin is not a wise decision.	East Lynn Lake was incorrectly identified as being on the 303(d) list in the Draft LUA/Draft EIS. The text has been modified to remove the reference to East Lynn Lake as being listed. Water quality impacts due to the proposed action and RFDS are expected to be minimal as described in sections 3.2 and 3.3.	7/31/2008 Ron M[a]rtino



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**Appendix J—RESPONSE TO COMMENTS**

Comment No.	Comment	Response	Date Received/ Name
PH 1.6	<p>...there was a huge environmental disaster at Inez, Kentucky, back in 2000, which involved leaking of a mine tailings pond into some abandoned mine works and this failure...was contributed to seepage and then piping along a fracture that compromised the barrier that was supposed to protect the mine works from the tailings pond. ...the Martin County , Kentucky mine tailings pond draining is...not a perfect analog [the actual mining was closer than the mine plan allowed and the barrier was narrower than it should have been, there is a certain degree of error.. deviating from the plan], but it is similar in a number of ways...the concern over the barriers is something that should be looked into further. The lineaments crisscrossing the lake in the leased areas, really need to be looked at a little bit more closely.</p>	<p>The physical setting of the Inez, Kentucky impoundment is different from the proposed action and RFDS. No mining is proposed beneath East Lynn Lake or beneath any slurry impoundment. Please see sections 3.1.1c4 and 3.1.2c1.</p> <p>The RFDS includes a plan to mine using partial extraction methods only. Outcrop barrier widths are also planned to minimize the potential for blow outs. The applicants commonly install wet seals at entrances to inactive mining areas. In addition, best management practices (BMPs) include adjusting pillar sizes or using other control measures in areas with weak roof or floor conditions to minimize the potential for subsidence.</p>	<p>7/31/2008 Ron M[a]rtino</p>



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 2.1	..between 1977 and 1991, the U.S. Army Corps of Engineers spent \$57 million securing the coal rights of this property and they did so on page three, because of the potential concern of the integrity of the dam, the reservoir, and the land surface. The mine project will take 10 to 15 years; the life of East Lynn Lake is projected to be 100 to 200 years....will \$57 million be paid back to the Corps? Will this money be paid back to the federal government? Will there be money set aside--in addition to the regular permitting bonds that are posted by the coal company--will there be additional money set aside to protect the environmental impact?	Comment acknowledged. This comment is outside the scope of this NEPA LUA/EIS.	7/31/2008 Elaine M[a]rtino
PH 2.2	As to mine drainage, are you going to drain it into the lake, what may be draining from this project because the mining is so close to the lake level...Our water resource here at the town of Wayne is Twelve Pole. If we lose that dam, then we can have a potential interruption of our water resource here in Wayne...what about down drainage with little companies or little towns that use Twelve Pole as a water resource?	Comment acknowledged. Please see section 3.1.2, where text describes potential impacts to geologic resources and existing structures including the East Lynn Lake dam.  Please see section 3.3.2, where text describes potential impacts to groundwater resources.	7/31/2008 Elaine M[a]rtino



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 2.3	...in 1991, there was passage of a particular bill that took the Corps out of the final approval of this project and gave it to the BLM because the BLM was more receptive to the permitting. I would like to know what does that term mean? A lot of people gave up their property, they were forced to, for the dam project, for flood control, and it has done a very good job of flood control. My father's farm is not nearly as flooded as it once was... I would hate very much to see that destroyed by a mining project.	See response to comment C 17.3	7/31/2008 Elaine M[a]rtino
PH 2.4	I am concerned about this 100-foot mining up to the lake's shore, because of the natural fracture systems and lineaments, I don't think it will protect the lake and I don't think enough has been done in the EIS.	Comment acknowledged. See response to comment C 1.1. The minimum barrier width is specified as 200 feet from the spillway elevation of the dam.	7/31/2008 Elaine M[a]rtino
PH 2.5	I would also like to seek the right for the public comment period extended another 180 days.	Comment acknowledged. The public review and comment period was extended 45 days, to 11/10/2008, giving the public 135 days to review and comment.	7/31/2008 CCELLD



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 3.1	According to this chart up there, this contractor was selected and paid by the coal company to prepare this information and I read this thing from cover to cover and I underlined a lot of things in it and the most commonly used word in this entire document is "not expected to occur," "not expected to happen," "not expected to impact."	Comment acknowledged. The BLM chose the third-party contractor based on prior experience with similar environmental impact statements. As is usual practice, the applicants are responsible for costs incurred to develop the EIS. The environmental analysis is dependent on professional judgment developed through experience with similar projects and the applicability of industry standards and regulations.	7/31/2008 Joe Stanley
PH 3.2	We have requested an additional 90-day comment period in writing.	Comment acknowledged. The public review and comment period was extended 45 days, to 11/10/2008, giving the public 135 days to review and comment.	7/31/2008 Joe Stanley
PH 3.3	Why would the Corps of Engineers spend \$51 million to secure the coal rights only for this project and then have that authority be stripped from them and turned over to the BLM?	See response to comment C 17.3	7/31/2008 Joe Stanley
PH 3.4	We need more protective zones and assurances that laws will be enforced so we can have jobs and an economy here in the future.	See response to comment C 1.1 regarding barrier widths.  Enforcement of regulations is not the purpose of the NEPA process.	7/31/2008 Joe Stanley
PH 3.5	We request that another meeting be coordinated by the BLM to host a discussion between citizens, BLM, Army Corps of Engineers, Argus Energy and Rockspring. We have questions and clarifications that we would like explained to us.	Comment acknowledged. The public review and comment period was extended 45 days, to 11/10/2008, giving the public 135 days to review and comment.	7/31/2008 Joe Stanley



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 3.6	We are concerned about the potential subsidence and the threat to the integrity of the lake. According to the subsidence report at Copley Cemetery regarding one instance of subsidence at Argus Mine/Penn Coal, the coal seam varied from 72 inches to 14 feet. Too much coal or too much area was taken out and subsidence occurred....This 100-foot overburden is not nearly enough overburden. I has got to be at least 200 feet. If the subsidence happens near East Lynn Lake, we are concerned that this could drain the lake and affect wells that people rely on.	<p>Comment acknowledged.</p> <p>Please see section 3.1.1c4, for a description of this incident and the planned pillar geometry, field observations, and BMPs for controlling localized roof conditions. Section 3.1.2c1 and Appendix E present analyses of potential subsidence. The subsidence crack near Copley Cemetery was limited in extent, and a similar incident, should it occur in the proposed lease area, would not reach the lake due to the proposed barrier widths. Subsidence is not likely based on this information.</p> <p>No water wells used for domestic water supply are located on the proposed lease tracts. No impacts are expected to wells used for domestic water supply.</p>	7/31/2008 Joe Stanley
PH 3.7	We request that a protective barrier of at least 1000 feet be maintained around the lake where no coal is mined.	See response to comment C 1.1	7/31/2008 Joe Stanley
PH 3.8	We request that the BLM determine the probability of subsidence near the lake and report on what core drills have been done.	See response to comment PH 3.9 for a discussion of the data derived from core drilling. Section 3.1.2c1 and appendix E present analyses of potential subsidence.	7/31/2008 Joe Stanley



**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 3.9	What was the distance between the core samples that were taken and is this adequate given the variation in the thickness throughout the coal seam?	Coal-seam thicknesses are shown on figures 3.1-19 and 3.1-20. The distances between core samples are variable. Cross sections were prepared to compare the data provided by the applicants with elevation information maintained by the state as described in section 3.1.2c6. The cross sections are presented in figures 3.1-21 and 3.1-22. These data are considered adequate for this level of planning.	7/31/2008 Joe Stanley
PH 3.10	We request that the BLM determine the probability of the quality of water in the lake being affected by this operation currently.	Existing water quality impacts are described in section 3.2 of the document. Water quality in the lake is likely affected by existing mining operations and other activities including recreation and ORV use.	7/31/2008 Joe Stanley
PH 3.11	We request that the EIS explain how the pillars, which will deteriorate over time, will last from 100 to 200 years, the lifespan of the lake. Go look in the coal mines. Go open up one that has been shut down for 25 years and see what they look like.	Please see section 3.1.2c1 for the discussion on pillar stability. Pillar strength calculations were verified using the Bienawski method and the results indicate pillar stability if post-mining conditions are as projected.	7/31/2008 Joe Stanley
PH 3.12	We request that the BLM determine the probability of nearby water wells being dropped due to the operation.	Comment acknowledged. Minimal impacts are anticipated to water wells in the area.	7/31/2008 Joe Stanley
PH 3.13	We request that a plan for water replacement be developed before this land is leased in case anything happens to the water in this area.	Comment acknowledged.	7/31/2008 Joe Stanley



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 3.14	We are concerned about the lack of economic benefit this operation will have on Wayne County. The report states that there are no new hirings due to this operation, furthermore, one-third of the workers are from out of state.	Positive economic impacts related to the proposed action and RFDS are described in section 3.8.2c2. Positive economic benefits include extending existing jobs, multiplier effects on jobs indirectly dependent on coal mining, and potential distribution of revenues received by the state from the federal government.	7/31/2008 Joe Stanley
PH 3.15	We are concerned for the water quality of East Lynn Lake. We request that the EIS report on the current water quality of the lake and how it will be potentially affected by this operation. How is it already impacted by mining and will those impacts increase and how will the pH be impacted if mine cavities fill up and seep into the lake?	Section 3.2 addresses existing water quality in East Lynn Lake. Sections 3.3.2c1 and 3.3.2c2, as well as appendix G, address pH-related drainage issues. Groundwater discharging from mine cavities is expected to be near neutral to slightly alkaline in pH.	7/31/2008 Joe Stanley
PH 4.1	I also think that the public input process has been sparse. I don't think the public has been engaged in this at all... Handbook 6.9.1, the BLM handbook manual for the National Environmental Policy Act, it says, "make diligent efforts to involve the public in preparing and implementing their NEPA procedures."..Why don't you have a meeting in East Lynn? They have an elementary school, send out flyers with the kids. Have you had any involvement at all in that community?	<p>Comment acknowledged.</p> <p>Section 5.1 describes the public involvement for Land Use Analysis/Environmental Impact Statement (LUA/EIS). The BLM's NEPA process provides for both public and agency involvement in the development of the LUA/EIS. Public involvement took place during the scoping period, the socio-economic workshop, the review period after the Draft LUA/Draft EIS (DLUA/DEIS) was issued, and will take place during a public-protest period after the Final LUA/Final EIS (FLUA/FEIS) is issued. Comments and data are also solicited from federal, state, and local agencies.</p> <p>Four public meetings were held during development of the East Lynn Lake Coal Lease LUA/EIS:</p>	7/31/2008 Beth Cade



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		<ul style="list-style-type: none"> <li>- A public scoping meeting was held in the evening on November 6, 2006 in Wayne, West Virginia at the Wayne County Community Services building.</li> <li>- A second, unplanned public scoping meeting was held in the evening on November 7, 2006 at the Ramada Inn Limited in Huntington, West Virginia as a result of local media misprinting the date, time, and location of the official public scoping meeting. This second scoping meeting was held at the date, time, and location that were misprinted to ensure that everyone who was misinformed had an opportunity to participate.</li> <li>- A socio-economic workshop was held in the evening on March 27, 2007 in Wayne, West Virginia at the Wayne County Courthouse.</li> <li>- A public hearing was held on July 31, 2008, allowing the public to verbally comment on the Draft Land Use Analysis and Environmental Impact Statement, in Wayne, West Virginia at the Wayne Town Hall.</li> </ul> <p>Three of these public meetings were held in Wayne, West Virginia which is the county seat and commercial center of Wayne County and within 15 miles of the project site.</p> <p>The 90-day public review period of the draft LUA/EIS was extended another 45 days, providing a total of 135 days for public review of the document. Comments were collected during the public hearing, and via e-mail and U.S. postal mail. Responses are presented in the FLUA/FEIS. The last period of</p>	



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
		<p>public involvement, the public-protest period, will be announced when the FLUA/FEIS is released.</p> <p>Calls for participation in each of these meetings were announced in the local papers, as well as the Federal Register, and details provided to allow the public to participate in the LUA/EIS process.</p>	
PH 4.2	The people that live in that area [East Lynn], you are going to impact their water, not to mention the fact that the dam is there for a purpose, it is flood control. If we lose that, then we have got all the flooding downstream again that we had back in the 60s before they put it in.	Minimal impacts are anticipated as a result of the proposed action or RFDS. Dam integrity is not anticipated to be affected by the proposed action or RFDS as described in section 3.1	7/31/2008 Beth Cade
PH 4.3	I strongly agree that you do another 60- or 90-day extension and you have a meeting in the East Lynn community, you advertise it, you get it out there.	See response to comment PH 4.1	7/31/2008 Beth Cade
PH 4.4	How many other projects does BLM have east of the Mississippi? How many are you doing an EIS for east of the Mississippi, and why just East Lynn?	<p>Comment acknowledged.</p> <p>This comment is outside the scope of this NEPA LUA/EIS.</p>	7/31/2008 Beth Cade



**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 4.5	That lake is going to be here a number of years to come, long after the coal mining companies have gone and we are going to be left to clean up whatever is left behind...I just want us to realize what a valuable resource we have in East Lynn Lake and protect it and keep it safe so that we can enjoy camping and hiking and all the things that we do here.	<p>Comment acknowledged.</p> <p>As noted in several sections, minimal negative impacts to environmental resources are anticipated. Positive impacts are anticipated to socioeconomic resources.</p> <p>Please see sections 3.4.2, 3.5.2, 3.6.2, and 3.7.2, where text describes potential impacts to soil, vegetation, fish and wildlife, and proposed, endangered, threatened and special status species, respectively.</p> <p>Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.</p> <p>Please see section 3.12.2, where text describes potential impacts to recreation.</p>	7/31/2008 Beth Cade
PH 5.1	I do want to request an extended comment period and a meeting with BLM and the Army corps of Engineers, and both the companies.	<p>Comment acknowledged.</p> <p>The public review and comment period was extended 45 days, to 11/10/2008, giving the public 135 days to review and comment.</p>	7/31/2008 Patricia Feeney
PH 5.2	How is this going to impact the water? How is this going to impact the dam? Where are the safety measures?	<p>Comment acknowledged.</p> <p>Please see sections 3.2.2 and 3.3.2, where text describes potential impacts to water resources.</p> <p>Please see section 3.1.2, where text describes potential impacts to geologic resources and existing structures.</p>	7/31/2008 Patricia Feeney



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 5.3	We want to make sure that the state and the county and the town are going to profit off of this, and will they still be safe?	Comment acknowledged. According to federal regulations, the state will receive 75% of revenues associated with the proposed action and RFDS. Distribution of revenues to local agencies is governed by state law.	7/31/2008 Patricia Feeney
PH 5.4	...in terms of safety, the DEP is more than four years behind on reviewing discharge monitoring report. So once this mining operation starts, what does that mean for the quality of the water in the area? It is not just one agency--and I want to make sure the agencies are communicating that WVDEP is indeed under capacity, and can't handle the mining that is going on here now, and so we need to beef up the enforcement that we have so that people can live here safely.	Comment acknowledged. This comment is outside the scope of this NEPA LUA/EIS.	7/31/2008 Patricia Feeney
PH 6.1	I do business with Rockspring Coal. I was also there before they were there, so they have been a good business partner and they also seem to be pretty good neighbors, as far as environmentally because I have been up there to their place.	Comment acknowledged.	7/31/2008 Steve Vermit



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 6.2	...I do have a concern with the plot number WVES-50560 being so close to the actual dam structure. You are introducing your room-and-pillar mining and now you are introducing air or oxygen into a methane environment. How much seismic movement would it take to dislodge that dam, or how should I say, the integrity of the dam structure itself? If we lose that project in a sudden collapse, or a sudden release, we will never recover from the destruction. It will ruin this whole Twelve Pole Valley, like, clear down to the Ohio River....I am concerned with the integrity of the dam structure itself.	Methane control is a routine operational concern in coal mining. The mining contemplated under the RFDS would be no different than the existing, adjacent operations on private land. A methane explosion of sufficient strength to damage the dam is highly unlikely.  Seismic analysis related to the proposed action and RFDS is addressed in Sections 3.1.1.a2 and 3.1.1.c4. Seismic analysis related to dam stability is outside the scope of this NEPA LUA/EIS.	7/31/2008 Steve Vermit
PH 6.3	As far as the water goes, I don't know about the groundwater and all that, but we have always had trouble with groundwater up there and well water. And like I said, Rockspring has been a pretty good neighbor as far as helping people getting their water improved.	Comment acknowledged.	7/31/2008 Steve Vermit
PH 7.1	In the 1700s, George Pack, who fought in the Revolutionary War, came here to Big Laurel--what we call Big Laurel today--and settled our family...I am concerned about our water supplies here. We own land, it is the next generation's...We would like to have this water supply so that nothing can happen to us and our children's children can still enjoy this beautiful land.	Comment acknowledged Please see sections 3.2.2 and 3.3.2, where text describes potential impacts to water resources.  Please see section 3.8, where text describes potential impacts to social and economic resources.	7/31/2008 Linda Pack



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 8.1	<p>1. We are concerned for the lack of public input in this decision. The volume and technical nature of the document makes it difficult for affected and concerned citizens to participate in the process. Companies have professionals working on this for more than five years while the public has only 90 days.</p> <p>We request that the comment period be extended to a minimum of 180 total days from the date of this hearing.</p>	See response to comment PH 4.1	7/31/2008 CCELLD
PH 8.2	<p>We request that another meeting be coordinated by the Bureau of Land Management to host a discussion between citizens, BLM, ACE, Argus Energy and Rock Springs. We have questions and clarifications that we would like explained to us. We would also like other residents to have an opportunity to get more information on this situation.</p>	See response to comment PH 4.1	7/31/2008 CCELLD



**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 8.3	2. We are concerned about the potential for subsidence and the threat to the integrity of the lake. According to the subsidence report at Copley Cemetery regarding one instance of subsidence at an Argus mine site, the coal seam varied from 72 inches to 14 feet. Too much coal was taken out and subsidence occurred. If subsidence happens near East Lynn Lake, we are concerned this could drain the lake or affect wells that people rely on. Our water is priceless. We need to safeguard the water in the lake and local wells. This will help to protect the forest, the lake, and the well being of those who will continue to enjoy the land and the water for generations.	See response to comment PH 3.6	7/31/2008 CCELLD
PH 8.4	We request that a protective barrier of at least 1,000 feet be maintained around the lake where no coal is mined.	See response to comment C 1.1	7/31/2008 CCELLD
PH 8.5	We request that overburden of at least 200 feet be maintained above any coal that is mined.	<p>Comment acknowledged.</p> <p>Minimal impact to water resources or existing structures, including the dam, is anticipated.</p> <p>Please see sections 3.2.2 and 3.3.2, where text describes potential impacts to water resources.</p> <p>Please see section 3.1.2, where text describes potential impacts to geologic resources and existing structures. A minimum 100-ft. overburden thickness is consistent with standard practice in the industry.</p>	7/31/2008 CCELLD



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 8.6	We request that BLM determine the probability of subsidence near the lake and report on what core drilling has been done. What was the distance between the core samples that were taken, and is this adequate given the variation in thickness throughout the coal seams?	See responses to comments PH 3.8 and PH 3.9	7/31/2008 CCELLD
PH 8.7	We request that BLM determine the probability of the quantity of water in the lake being affected by this operation.	Comment acknowledged. Minimal impacts to water resources are anticipated. Please see section 3.2	7/31/2008 CCELLD
PH 8.8	We request that the EIS explain how the pillars, which will deteriorate over time, will last for the 100-200 year life span of East Lynn Lake.	See response to comment PH 3.11	7/31/2008 CCELLD
PH 8.9	We request that BLM determine the probability of nearby water wells being dropped due to this operation.	Comment acknowledged. Minimal impacts are anticipated to water wells in the area.	7/31/2008 CCELLD
PH 8.10	We request that a plan for water replacement be developed before the land is leased in case anything happens to the water in the area.	Comment acknowledged.	7/31/2008 CCELLD



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 8.11	3. We are concerned about the lack of economic benefit this operation will have on Wayne County. The report states that there are no new hirings due to this operation, furthermore, one-third of the workers are from out of state.	See response to comment PH 3.14	7/31/2008 CCELLD
PH 8.12	We request that the EIS report how much money will come back to Wayne County and East Lynn Lake due to this operation; and how much money will go to the federal government.	<p>Comment acknowledged.</p> <p>West Virginia Statute §20-3-18 directs the state auditor to allocate state revenues received from the federal government according to the method of allocation specified by the Flood Control Act, chapter 15. In this case, 75% of royalties and rentals from mineral leases and other leases on flood control and navigation property are to be distributed to the state and 25% would be retained by the federal government. The state would then distribute 50% of its receipts to the county road commission and 50% to the county board of education (Rollyson 2008).</p> <p>The text has been revised to clarify this information in section 3.8.2 where potential impacts to socioeconomic resources are described.</p>	7/31/2008 CCELLD
PH 8.13	4. We are concerned for the water quality of East Lynn Lake. We request that the EIS report on the current water quality of the lake and how it will potentially be affected by this operation. How is it already impacted by mining? Will those impacts increase? How will [the] pH be impacted if mine cavities fill and seep into the lake?	See response to comment PH 3.15	7/31/2008 CCELLD



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 8.14	<p>5. We are concerned for the lack of enforcement of environmental laws from the WV Department of Environmental Protection. In January of this year, the EPA proved that the DEP is more than 4 years behind on issuing violations and reviewing DMRs (Discharge Monitoring reports) from coal companies.</p> <p>We request that the BLM report on who will protect the water draining into East Lynn Lake if the DEP is so behind. How will the quality of water be protected if more mining operations go in around here and no one is enforcing the laws?</p>	<p>Comment acknowledged.</p> <p>This comment is outside the scope of this NEPA LUA/EIS.</p>	<p>7/31/2008 CCELLD</p>
PH 8.15	<p>We request that an independent party verify all data in this report and calculations we are requesting here today.</p>	<p>Comment acknowledged.</p> <p>The environmental analysis is dependent on professional judgment developed through experience with similar projects and the applicability of industry standards and regulations. Consistent with the NEPA process, the document has been reviewed by independent agencies including the U.S. Geological Survey and the U.S. Environmental Protection Agency.</p> <p>The public comment period was extended from 90 days to 135 days, offering additional time for all interested parties to review the data and calculations in the document.</p>	<p>7/31/2008 CCELLD</p>



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
PH 8.16	6. We are concerned for the true history of Argus Energy. Penn Coal went bankrupt and was taken over by Argus. What sort of a company history are we dealing with? Will they go bankrupt and not be held accountable to the damage they do to federally protected public land? Will tax payers cover the cost of irresponsible operation? We don't want a maybe--we want a guarantee that East Lynn Lake is going to survive.	<p>Comment acknowledged.</p> <p>This comment is outside the scope of this NEPA LUA/EIS.</p> <p>Should the proposed action be selected and leasing proceed, any applicant must meet the Federal requirements for a qualified applicant. The successful bidder must meet additional requirements for financial viability, including bonding.</p>	7/31/2008 CCELLD



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
AG 1.1	In our opinion, the draft documents accurately summarize the proposed project, its Area of Potential Effect, its potential to impact historic resources and our previous comments. We remain in concurrence with our previous determination. In our opinion, the proposed underground mining operations will have no effect to any architectural, archaeological or cemetery resources listed in or eligible for listing in the National Register of Historic Places. We reiterate our request to be notified should changes be made to the proposed project.	Comment acknowledged.	8/8/2008 Lora A. Lamarre
AG 2.1	Though we concur that coal removal through the underground mining process as proposed in this document should have little to no significant adverse environmental impact on the surface, we feel that it is important to closely monitor any such project at a public use facility.	Comment acknowledged.	8/14/2008 Curtis I. Taylor
AG 3.1	Section 3.2 Surface Water Resources, page 64, first full sentence: A technical review of this section may be warranted as the definitions for some of the terms are not technically accurate and have not [been] included in the Glossary (Chapter 8). For example, a quantity of water can only be measured in volumetric units, such as acre-feet or cubic meters, not an area unit, and dissolved solids generally refers to those solids that can pass through a 0.45-micron filter media.	Comment acknowledged. Text in section 3.2 has been reviewed to clarify use of terms, and the glossary has also been revised to incorporate additional definitions.	9/16/2008 James F. Devine



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
AG 3.2	Section 3.2.1d2 East Lynn Lake, page 71, second full paragraph: The contributing drainage area for USGS streamflow gaging station number 03206600 is 38.5 square miles, as reported at <a href="http://nwis.waterdata.usgs.gov/nwis/nwisman/?site_no=03206600&amp;agency_cd=USGS">http://nwis.waterdata.usgs.gov/nwis/nwisman/?site_no=03206600&amp;agency_cd=USGS</a> ,	Comment acknowledged. The text has been revised to reflect the drainage area of 38.5 square miles.	9/16/2008 James F. Devine
USGS AG 3.3	Section 3.2.1d2 East Lynn Lake, page 71, second bullet, and Appendix F, page 2, Horizontal Seepage Calculations: The limitation that hydraulic gradient cannot exceed 1.0 is artificial, and when applied to the East Lynn Lake scenario may lead to underestimating the potential effects of mining. Several real-world situations are documented where gradients exceed 1.0. Freeze and Cherry (1979, p. 482-483) describe cases where piping occurs under earthen dams in situations where hydraulic gradients are greater than 1.0 (p. 482). Rosenberry (2000, p 3403, last paragraph) reports gradients greater than 1.0 under lakes with a thin layer of low permeability sediments lining the lake bottom. Using the data from the table provided on page 2 of Appendix F, 215 feet of head (line 2) behind a barrier 150-200 feet thick (line 3) also produces a gradient greater than 1.0. Definitions of hydraulic gradient can be found at <a href="http://water.nv.gov/WaterPlanning/dict-1/ww-index.cfm">http://water.nv.gov/WaterPlanning/dict-1/ww-index.cfm</a> or <a href="http://www.wqa.org/glossary.cfm">http://www.wqa.org/glossary.cfm</a> .	The calculations in appendix F have been revised to allow calculated hydraulic gradients greater than 1.0. The revised calculations, with a maximum likely hydraulic gradient greater than 1.0, do not change the conclusion that outflow from outcrop barriers is expected to be minimal. This revision does not affect the calculation of maximum potential inflow from the lake through outcrop barriers into the mine workings.  The literature references provided do not address the physical setting of East Lynn Lake.  Thank you for the pointer to definitions of hydraulic gradient.	9/16/2008 James F. Devine



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AG 3.4	Section 3.2.1d2 East Lynn Lake, page 73, second paragraph: It is suggested that the conjecture, "Water quality changes in the lake are likely due to existing recreational activities and surface coal mining activities in the watershed upstream of the lake" be supported by citation(s) from the scientific literature.	Comment acknowledged. Periodic monitoring reports prepared by REIC (2000-2006) were reviewed to prepare section 3.2.1d2.	9/16/2008 James F. Devine
AG 3.5	Section 3.2.1e5 Coal Mining, page 79, third paragraph: A variety of tracers are available that may assist in establishing the hydrologic connection between sources of contamination and potentially affected ground- and surface-water resources. A discussion of USGS research related to the use and development of tracer tests to study contaminant transport and fate is available at <a href="http://toxics.usgs.gov/topic/tracer_tests.html">http://toxics.usgs.gov/topic/tracer_tests.html</a> . An extensive bibliography of publications relating to tracer tests also is available at <a href="http://toxics.usgs.gov/bib/bib-tracer.html">http://toxics.usgs.gov/bib/bib-tracer.html</a> .	Comment acknowledged. Major sources of existing impacts to water quality are identified in sections 3.2 and 3.3 of the document.	9/16/2008 James F. Devine
AG 3.6	Chapter 7, References: The following USGS publications are included in the list of references, but are not cited in the text of the document: Neuzil, S.G. 2001; USGS 2007b.	The reference list has been reviewed and modified as necessary.	9/16/2008 James F. Devine



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
AG 4.1	Although no significant adverse impacts were identified by the BLM in analyses of the potential effects from the Proposed Action, the Huntington District remains concerned with the potential for long term effects resulting from coal extraction. The impacts analyses as documented in the draft LUA/EIS were generally near term. Current mining laws and regulations generally provide public protection only during ongoing underground mining, or in the case of surface effects[,] through a bonding period that is intended to ensure successful reclamation. The analyses of effects focus on these time periods.	As acknowledged by the commentor, no data or engineering/scientific analyses are available indicating long-term effects other than the minimal effects described in the document. Both short-term and long-term effects were evaluated.  Bonding requirements are typically set during the permitting process. There is no existing regulatory mechanism to address long-term impacts that are first identified after bond release.	11/10/2008  Colonel Dana R. Hurst
AG 4.2	As stated in Section 2.2.1 of the document, surface disturbances from the Proposed Action are assumed to be no more than 20 acres and to occur over a 10 year period. These assumptions may be prudent for predictable, near term impacts. However, the remaining effective life of the East Lynn Lake project is several centuries or more, and therefore the temporal aspect of the analyses is a concern.	No surface disturbances related to the proposed action or RFDS are anticipated other than those described in the document. If other actions are proposed in the future, they would be subject to NEPA requirements at that time.	11/10/2008  Colonel Dana R. Hurst



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**BLM-Eastern States Milwaukee Field Office**



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AG 4.4	The draft LUA/EIS identified an adaptive management alternative. However, this alternative was dismissed from further consideration because, as stated "this concept can be incorporated in the monitoring section of the LUA/EIS as mitigation measures in the impacts analysis and in the ROD along with specifying the kinds of monitoring that would be required to track any potential impacts." Except in the case of paleontological resources, no monitoring was deemed necessary because no significant impacts were identified. Because the temporal aspect of analyses was much less than that of the expected life of the East Lynn Lake project, a determination of significance with respect to effect on the long-term benefits of the project could not be made. Therefore, under the Proposed Action, a monitoring strategy for a period beyond the period of coal extraction and well into the future is necessary in order to adapt appropriate mitigation activities that will ensure the purposes of the East Lynn Lake project are not compromised. This mitigation strategy must be flexible and adaptive for unforeseeable future conditions.	<p>Both short-term and long-term effects were evaluated. No data or engineering/scientific analyses are available indicating effects other than the minimal effects described in the document. Existing monitoring programs will extend past the operational period as required by permits.</p> <p>Bonding requirements are typically set during the permitting process. There is no existing regulatory mechanism to address long-term impacts that are first identified after bond release.</p>	<p>11/10/2008</p> <p>Colonel Dana R. Hurst</p>
AG 4.5	As a cooperating agency, we previously identified issues during scoping of the analyses and additionally provided comments during the course of the preparation of the draft LUA/EIS....Many of these issues remain a concern with respect to the continuation of the public benefits of the East Lynn Lake project. With respect to the long-term benefits that the East Lynn Lake project	<p>Comment acknowledged.</p> <p>The analysis performed pursuant to the NEPA process is designed to address potential uncertainty related to the issues raised by the commentor using good engineering and scientific practice. Issues raised by the commentor previously were addressed in the Draft LUA/Draft EIS. The results of the analyses indicate minimal impacts are</p>	<p>11/10/2008</p> <p>Colonel Dana R. Hurst</p>



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	would provide, and the uncertainties of adverse effects over that period, we do not believe the findings documented in the report adequately support a decision to lease.	expected to the uses, resources and benefits provided by the East Lynn Lake Project.	
AG 5.1	Page 6: It is not conventional for the NEPA process to be done with a stated need being the specific action. The need is more typically stated as the "problem" in the area, for instance, few economic opportunities, waning energy resources, safety issues. The purpose of the document is to evaluate a range of alternatives...that will address the need such as oil and gas development, hydroelectric development, or coal mining. Some alternatives can be removed from consideration after a weighted discussion is documented in the EIS. Among alternatives selected for detailed analysis in the Draft EIS, options may be evaluated, such as a more limited action.. combining alternatives or a phased alternative. A NEPA document may appear biased when only doing the proposed action can meet the stated need.	<p>Comment acknowledged.</p> <p>The purpose of this work is to evaluate and process applications submitted for competitive leasing, in order to determine if leasing is appropriate as required by Federal law.</p> <p>The need for the project includes the following elements:</p> <ul style="list-style-type: none"> <li>- Best manage mineral resources that can help satisfy the Nation's energy need in an environmentally sound manner, while protecting the purpose and function of the East Lynn Lake Project, and</li> <li>- Sustain viable rural economies in the vicinity of the proposed lease area.</li> </ul>	<p>11/10/2008</p> <p>William Arguto</p>
AG 5.2	Page 31: It is unclear how exploratory drilling could be considered an action unrelated to mining which is evaluated in this environmental document.	Exploratory drilling was incorrectly identified as an unconnected action in section 2.3.3. The text has been revised to remove this statement. Exploratory drilling is analyzed as a potential cumulative impact in section 4 of the document.	<p>11/10/2008</p> <p>William Arguto</p>
AG 5.3	Page 45: The term "blow-outs" is used on page 45, but not defined until page 50	Text defining "blow-out" has been added upon first use of the term.	<p>11/10/2008</p> <p>William Arguto</p>



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<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
AG 5.4	Viewing figures of drainage, it appears that some stream reaches (markedly straight) may be fracture controlled. A more detailed fracture trace analysis of air photos (in addition to the analysis in Figure 3.1-5), and field verification, will likely need to be completed if leasing is permitted. Potential environmental consequences will need to be evaluated, monitored and mitigated if necessary.	Comment acknowledged.	11/10/2008 William Arguto
AG 5.5	Page 56: The timing of development of gas resources is unclear as presented in the EIS. It is stated that a buffer of 100 to 200 feet will be maintained around an oil or natural gas well; and it is stated if wells are "negotiated, they are likely to be placed within a pillar". Is there an existing resource development priority between oil and gas exploration and coal mining on the property? p. 60: It is stated that up to 20 more wells are may be installed; it is uncertain if this is exploration or development. It is unclear if exploration will need to stop at that point being limited by coal mining potential, or if exploration has been completed and the 20 wells are the final requirement of gas development within the project area. Loss of coal revenues to gas are estimated; if gas development is limited by coal mining, can loss of gas revenues to coal be estimated?	Section 3.1.2c4 presents information on oil and gas development. Timing of oil and gas development is not under the control of BLM as the oil and gas estate is privately held. Placement of oil and gas wells is coordinated between the different operators and mediated by the state.  No impacts on gas revenues are anticipated should the proposed action and RFDS be implemented as described in section 3.1.2c4.	11/10/2008 William Arguto
AG 5.6	Have any of the structural integrity, subsidence predictions include[d] the likelihood of gas wells within pillars? The document reports that at least 144 wells already exist within the property considered for leasing. Page[s] 60-62.	Structural integrity of the pillars is not anticipated to be affected by the small-diameter gas wells.	11/10/2008 William Arguto



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AG 5.7	Page 58: The document reports that natural fracturing typically extends to a depth of 50 to 100 feet. References should be cited. Although this may be generally true, and is sometimes stated as 150 feet, deeper water-bearing fractures are not unheard of. The description of fractures presented in appendix B, page 9 should be expanded and brought into the context of the main evaluation. Being protective of the earthen dam structure, designed to function for more than 100 years, is of primary importance; a conservative approach which incorporates the uncertainty of location and depth of fractures should prevail. (Did the design of the dam consider the possibility of expanding underground mining?)	Comment acknowledged. References have been cited elsewhere and have been added to section 3.1.2c6. The U.S. Army Corps of Engineers (USACE) planning for the East Lynn Lake Project did not consider adjacent coal mining in their design and planning documents.  See response to comment C 21.1	11/10/2008 William Arguto
AG 5.8	The document should include a geologic map of the study area at a scale where rock types and structure can be identified (maybe 1:36000), a stratigraphic column and cross-sections should be developed. Figure[s] 3.1-19, 20 give some information on dip, but it is not certain that this is consistent with other beds and is not complete for the study area. The description of the structure presented in appendix B, page 9 should be expanded and brought [in]to the text.	Comment acknowledged. No geologic map is available at the scale requested. Available geologic mapping is included in the document. A stratigraphic column and appropriate cross-sections are included in the document.	11/10/2008 William Arguto
AG 5.9	Figure 3.1-12: The figure is very useful, but portrays so much information it is hard to decipher. The orange color gradation is too close to be able to decipher on the map. It might be helpful to separate some of the information in other figures, and then combine it as	Comment acknowledged. The figure has been reviewed for clarity.	11/10/2008 William Arguto



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	shown. How does "surface mine" differ from "active, moving coal"?		
AG 5.10a	Page 68: The EIS states that WVDEP have put approximately eight streams in the vicinity of the proposed lease tracts, and East Lynn Lake, on its 303(d) list, for biological impairment and for one creek for elevated levels of iron. It is stated that the source of impairment is unknown. It appears that hypotheses have been investigated to try to identify potential sources of impairment. Data for other constituents, including metals should be reported.	Data for metals and other constituents have been reviewed. Most trace metals are non-detect for the majority of analyses. Iron, sulfate, and pH are well-known indicators of potential water-quality impacts by coal mining.  The source of impairment for the streams on the 303(d) list will be further addressed by WVDEP during the TMDL development process.	11/10/2008 William Arguto
AG 5.10b	The USACE has historically funded Marshall University to conduct research projects on East Lynn Lake and the watershed. These studies have documented that water quality of East Lynn Lake is impaired by mining activities within the Twelvepole Creek Watershed and that the aquatic life within the lake is adversely affected (See Dr. Don Tarter and graduate students at Marshall University; specifically, Hu[m]bert Zappia 1989). The coal industry (Randy Maggard) has performed on-going biological and water quality surveys within the Twelvepole Creek watershed for nearly 15 years. These data should be used within the DEIS to document the projected effects of the proposed mining on the aquatic life and water quality of the streams and East Lynn Lake.	Dr. Tarter has retired from Marshall University. He was contacted and indicates that the work funded by USACE occurred 20 to 25 years ago and was related to a state-wide benthological survey. The results of the state-wide survey have not been located.  Humbert Zappia's 1989 master's thesis described data collected from Beech Fork Lake, not East Lynn Lake.  Data collected by industry, including Argus Energy, have been used and cited in the EIS.	11/10/2008 William Arguto



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AG 5.11	Page 81, sec. 3.2.2b Significance Criteria: The significance criteria for surface water quality are: an exceedance of WVDEP surface water standards, including applicable anti-degradation standards; and/or-degradation of water quality in any one of the streams crossing the proposed lease tracts to a point where the stream is listed on the WVDEP 303(d) list in 2004 and 2008. A probable cause of the biological impairment was mining related. The DEIS needs to address this.	Sources of impairment for streams in the study area that are on the 303(d) list have not been identified by WVDEP. Minimal impacts to surface water quality due to the proposed action or RFDS are anticipated as described in section 3.2.	11/10/2008 William Arguto
AG 5.12	Figure 3.2-2: The figure shows a great number of sampling locations present in the study area. It is hard to identify the sampling locations used in the documents (three stations in Table 3.2-7) to discuss East Lynn Lake water quality. Though period of record was stated as the criteria for selecting these sampling points, it would be useful to see additional data to support that the data are representative. Additional data could include sample location, physical parameters chemical parameters, including metals, distance from surface or underground workings, and if possible season and weather conditions. Many factors are needed for data interpretation. It would be helpful to have a figure which highlights impaired streams, sample locations possibly overlain with important land features.	<p>Sampling locations referenced in the text have been indicated on figure 3.2-2. Dates of sampling and chemical parameters are indicated in the text and tables. Weather conditions at the time of sampling were not available.</p> <p>Locations of mining-related land use are shown on figure 3.1-12.</p> <p>The information presented in figure 3.2-2 is limited to keep the figure legible and useful.</p>	11/10/2008 William Arguto



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AG 5.13	<p>Page 82: It would be useful to present sampling data to support that groundwater quality is not degraded through contact with mining operations in the Coalburg/Winifrede seam. Are these data consistent with other agency sampling results and conclusions?</p> <p>Page 89 (Water Quality): Although the DEIS used coal industry supplied data on drinking well water quality, the authors did not use the extensive drinking well water quality work completed by Dr. Ben Stout, Wheeling Jesuit University. It is recommended that the DEIS include the work of Dr. Stout.</p>	<p>Available sampling data from groundwater in contact with Coalburg/Winifrede seam have been evaluated and are presented in the LUA/EIS. The BLM is not aware of data from any other agency for comparison.</p> <p>Dr. Stout was contacted during the data-gathering phase of the project. He provided copies of reports which were considered in the preparation of the EIS. Most of his publications are related to impacts of long-wall mining on groundwater resources. Dr. Stout did not indicate he had any drinking-water well data for the East Lynn Lake area.</p>	<p>11/10/2008</p> <p>William Arguto</p>
AG 5.14	<p>Discussion of the role of secondary porosity and permeability in the study area is essential to the evaluation and decision-making on leasing the land for coal extraction. Please cite a reference for the statement that fracture zones are confined to valleys and valley floors and greater description. Information from Appendix B, page 9 should be expanded and brought into the evaluation of potential groundwater and surface water interaction, bedrock stability during and after proposed activities, and uncertainties in conclusions drawn from hydraulic conductivities. It does not seem unreasonable to predict some enhancement of connection between groundwater and surface water in an area that would undergo exploratory drilling and resource extraction.</p>	<p>The uncertainty in flows as a result of fractures is addressed in the document. See section 3.3.2c1.</p> <p>The empirical data available from the existing mines suggest that fracture flow has not played a large role in filling of mine voids with groundwater (see section 3.3.1b3).</p> <p>As described in section 3.1.1a1 of the FLUA/FEIS, erosion and removal of surface rock layers has resulted in unloading of the lower rock units. This unloading in turn leads to stress relief and fracturing in the lower rock units. Blackburn (1997) describes the nature and extent of stress-relief fracturing in the study area. Wyrick and Borchers (1981) describes the extent and hydrologic effect of stress-relief fracturing in a different Appalachian valley, also in West Virginia. This study shows that stress-relief fracturing is confined to the valley floors and sides, generally less than 60 feet below</p>	<p>11/10/2008</p> <p>William Arguto</p>



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		ground surface. Borchers et al. (1984) describes the mechanism and extent of stress-relief fracturing in Appalachian valleys.	
AG 5.15	Page 87: Well depth and logs should be added, if available.	Well logs and well completion diagrams were not available, however a tabular summary of well depths and completion intervals were available for some wells. The data were presented in tabular format in support of existing permit submittals by Argus and Rockspring. The data are cited in the text and described in section 3.3.1b3. Due to the size of this document, the tabular data are not repeated in the EIS document.  Note that none of the residential wells are located on the proposed lease tracts.	11/10/2008 William Arguto
AG 5.16	Page 91: Hydraulic conductivity for areas with secondary porosity and permeability, such as where fracture zones are present, should be discussed. Implications to other issues such as blow-outs, and scenarios described on pages 97-98 should be included.	The stress-strain analyses indicated that room-and-pillar mining would serve to further close up fractures in the 200-ft. barrier. The empirical data available from the existing mines suggest that fracture flow has not played a large role in filling of mine voids with groundwater (see section 3.3.1b3).  No in-situ field data are available regarding the transmissivity of the units, other than laboratory-derived hydraulic conductivity values and what was available in the literature for these types of coal units (see tables 3.3-2 and 3.3-3).  The uncertainty regarding fracture flow is addressed in section 3.3.2c1.	11/10/2008 William Arguto



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AG 5.17	Page 82, Page 97: The estimated time for water to fill the mine is 150 years on page 82, and 50 [years] on page 97. Is there discussion of the difference?	The text has been checked and inconsistencies revised.	11/10/2008 William Arguto
AG 5.18	Page 92: Though coal has been tested for sulfur content, it is equally important to evaluate the presence of sulfur-bearing minerals (especially pyrite) in the shale or other rock types interbedded with coal seams. It is unclear if these rock types were included in the samples analyzed. This will be important as materials removed and separated will be disposed within or near the project area, and material left in place will have increased exposure to groundwater, chemical and physical weathering, etc.	<p>Tables 1 and 2 of appendix G provides acid-base accounting (ABA) data, including sulfur content, for shale, sandstone, mudstone, and carbonaceous shale in the immediate roof and immediate floor of the Coalburg/Winifrede seam. These tables also provide ABA data, including sulfur content, for materials interbedded or mixed with the coal, including shale, sandstone, and carbonaceous shale.</p> <p>In addition, ABA analyses, including sulfur content, were performed on most or all strata encountered in nine boreholes (seven by Rockspring, two by Argus), as indicated in appendix G. These data indicate a range of net neutralizing potential (NNP) values. However, only materials disturbed and exposed to oxygen and air are expected to generate acidity. Therefore, the analysis focused only on materials expected to be disturbed, which includes the immediate floor and roof to the Coalburg/Winifrede seam, as well as the materials interbedded in the coal.</p>	11/10/2008 William Arguto
AG 5.19	Page 94: Evaluation of impact of changes of parameters in the watershed which have been linked to biological impairment should be expanded in the DEIS. Alkaline mine water has been shown to impair the aquatic life of streams in southern West Virginia [Pond et al. 2008]. Elevated TDS can eliminate certain species of insects (e.g. mayflies--Ephemeroptera) from the stream which	<p>Comment acknowledged.</p> <p>The Pond et al. (2008) manuscript evaluates downstream effects of mountaintop mining. That mountaintop mining in steep terrain results in adverse effects on downstream water quality is not disputed.</p> <p>The ELL project is an underground mine expansion with minimal surface disturbance. As described in</p>	11/10/2008 William Arguto



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	will lead to the stream being listed on the WVDEP 303(d) list due to reduced scores for the West Virginia Stream Condition Index (WVSCI) and Index of Biological Integrity (IBI).	sections 3.2 and 3.3 of the Draft LUA/EIS, water-quality impacts due to the proposed action and RFDS are expected to be minimal.  Fulk et al. (2003) indicates that some mountaintop mining has occurred in upstream reaches of the East Fork of Twelvepole Creek watershed. No mountaintop mining occurs in the immediate project area. Mountaintop mining is not included as part of the proposed action or RFDS.	
AG 5.20	Page 125 ...The DEIS states that the fishery potential in the lake is considered to be hindered by poor to fair water quality, citing the USACE. The Draft EIS should present fish data available from the coal industry, and state/federal agencies (e.g. data collected by Randy Maggard, Marshall University theses). In addition, the DEIS should use the state assessment methods which use benthic macroinvertebrates in addition to fish. The WVDEP 303(d) list uses the benthic macroinvertebrate IBI..to assess the quality of streams. Since WVDEP has listed Twelvepole Creek streams on the 303(d) list, the DEIS should be expanded [to] use available biological data to assess and investigate the potential of the proposed coal lease to impact the future quality of the water and aquatic communities in the study area.	Comment acknowledged.  Minimal impacts to fish and other aquatic organisms are anticipated. See section 3.6.2d	11/10/2008  William Arguto
AG 5.21	The DEIS does not mention any secondary impacts associated with the proposed action. Are any secondary impacts expected? Additional infrastructure, the enlargement of the slurry impoundment (which was evaluated as a cumulative impact in the DEIS),	Comment acknowledged.  Secondary impacts are described along with cumulative impacts in section 4. No additional infrastructure is contemplated as part of the proposed action or RFDS. The existing slurry impoundment will be enlarged	11/10/2008  William Arguto



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	exploratory drilling would typically be considered secondary impacts of the project.	independently of the proposed action due to ongoing mining on private lands.  Only very limited additional exploratory drilling would be contemplated under the proposed action and RFDS, and is included in the maximum of 20 acres of surface disturbance described in section 4 of the document.	
AG 5.22	A discussion of secondary and cumulative impacts should present data trends for resources of interest in the document (those potentially impacted). Background water quality prior to the 1970's, if available, should be included to show trends in degradation...as evidenced by the inclusion of Twelvepole Creek watershed in the 2004 and 2008 WVDEP Integrated Report 303(d). The DEIS criteria "reduction in viability of any species" has been shown to be violated (i.e. loss of mayfly taxa and WVSCI impairment). This should be addressed in the DEIS.	Data trends for water quality are presented in sections 3.2 and 3.3. Background water quality data are sparse prior to the 1970s, and have been included to the extent available. Data prior to the 1970s would also reflect conditions prior to the existence of East Lynn Lake, and thus would not be relevant to this analysis.  Reductions in mayfly taxa and WVSCI impairment are reflected in the inclusion of specific stream reaches on the 2006 303(d) list. Sources of such impairment have not been identified by WVDEP on the 2006 303(d) list.	11/10/2008 William Arguto
AG 5.23	The ongoing mining activity will require that a larger and an additional surface slurry impoundment be constructed and maintained in the watershed as stated on page 226. The proposed disposal of mining waste is an incremental additional risk, and incremental source of watershed degradation, and could be evaluated as a potential source of a major release.	See response to comment AG 5.21  The additional slurry impoundment will be constructed independent of the proposed action and RFDS and was evaluated as a cumulative impact in section 4.2c3.	11/10/2008 William Arguto



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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
AG 5.24	Page 252: The DEIS states "In the future, market demands may lead to high extraction underground mining within the cumulative effects area. This method produces more coal, but causes more impacts to resources. The potential for subsidence is extremely high. Indirect impacts to surface water quantity and quality could occur..." The DEIS should address this scenario. This type of mining has caused significant environmental harm to streams in southwestern Pennsylvania (i.e. Enlow Fork of Wheeling Creek) and has been identified as the cause of a dam failure (Duke Lake at Ryerson Station State Park) and subsidence under interstate highways and public roads. The subsidence has caused streams to completely lose water permanently and also caused riffle run streams to turn into sediment laden pool habitat reaches.	<p>While theoretically possible, high extraction underground mining has never been proposed or performed in the cumulative effects area (Kitchen, 2009). High-extraction underground mining, if it were to occur within the cumulative effects area, would be outside the proposed lease tracts. The FLUA/FEIS addresses this scenario.</p> <p>Any change to the mining method proposed by the successful bidder for the proposed lease tracts would require a new NEPA analysis. Analyzing any mining methods on the proposed lease tracts other than primary room-and-pillar mining is outside the scope of this NEPA LUA/EIS.</p>	11/10/2008 William Arguto
AG 5.25	Page 254 (Significance Criteria): Significance criteria are stated as: impacts to surface water or groundwater that would result in a decrease in aquatic habitat quality; disruption of fish and wildlife breeding or nesting activity to the extent that reproductive success is impaired and reduction in viability of any species through direct mortality or behavioral disruption. As noted in Pond et al. 2008 (NABS), mayfly taxa are eliminated from mining impaired streams including streams within the Twelvepole Creek watershed. In addition, WVDEP lists streams on the WVDEP 303(d) list based on impaired biological communities. The loss of mayfly taxa is a significant cause of impairment as measured by the WVDEP WVSCI benthic macroinvertebrate IBI. The mayflies are not capable of	<p>Comment acknowledged.</p> <p>The Pond et al. (2008) manuscript evaluates downstream effects of mountaintop mining. That mountaintop mining in steep terrain results in adverse effects on downstream water quality is not disputed. The ELL project is an underground mine expansion with minimal surface disturbance.</p> <p>Fulk et al. (2003) indicates that some mountaintop mining has occurred in upstream reaches of the East Fork of Twelvepole Creek watershed. No mountaintop mining occurs in the immediate project area. Mountaintop mining is not included as part of the proposed action or RFDS.</p>	11/10/2008 William Arguto



**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
	surviving in the impaired streams due to some factor related to mining activity whether it is TDS or metals, etc. (see Pond et al. 2008). This fact appears to relate to the significance criteria--"reduction in viability of any species through direct mortality or behavioral disruption." The DEIS should address this issue.		
AG 5.26	Several conditions were stated that are proposed to be included on the leasing agreement. It is unclear if the conditions can be modified and if commitments made in the NEPA document are binding.	<p>Commitments to specific actions are not presented in the NEPA document. The Record of Decision would identify which recommendations/mitigation measures contained in the NEPA document would be carried forward into the lease, should the proposed action be selected.</p> <p>The lease is a binding document.</p>	<p>11/10/2008</p> <p>William Arguto</p>
AG 5.27a	Examination of demographic data for the area in close proximity to the East Lynn Reservoir indicates that a considerable percentage of the population in that area is low-income. The document correctly points out that the Wayne County percentage of the population living below the poverty level exceeds the state average. However, when the percentages of population living close to the reservoir are examined, the percentages of that population living below the poverty level (47.46% within a one mile radius, 38.21% within a two mile radius, 33.13 % within a three mile radius, and 26.42% within a nine mile radius) are considerably above the state and county averages (17.46% and 19.45% respectively according to the 2000 census). This information indicates that there are indeed populations that should be acknowledged as being populations of Environmental Justice concern located in the area of	<p>Comment acknowledged.</p> <p>West Virginia Statute §20-3-18 directs the state auditor to allocate state revenues received from the federal government according to the method of allocation specified by the <i>Flood Control Act</i> set forth in chapter 15 of USC Title 33 (33 USC Sec. 701c-30). In this case, 75% of royalties and rentals from mineral leases and other leases on flood control and navigation property are to be distributed to the state and 25% would be retained by the federal government. The state would then distribute 50% of its receipts to the county road commission and 50% to the county board of education (Rollyson 2008).</p> <p>The text has been revised to clarify this information in section 3.8.2 where potential impacts to socioeconomic</p>	<p>11/10/2008</p> <p>William Arguto</p>



**Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease**

**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
	study. There were 969 persons living within a three mile radius of the reservoir as of the 2000 census. That same census reported a population of more than 12,000 persons living within 9 miles. When it is taken into consideration that more than one quarter of the population in the area is living below the poverty level, it seems most reasonable to assume that there is a considerable population in the area that represents a community of Environmental Justice concern. Environmental Justice is a major consideration for this project, and must be recognized as such.	resources are described.  Please see section 3.9.2b. The proposed mining is anticipated to have minimal negative impacts on environmental or recreational resources. As a result, no disproportionate impacts need to be analyzed. Positive impacts are anticipated to socioeconomic resources that would benefit the entire community, including those living within one mile.	
AG 5.27b	The document fails to provide detailed information as to the nature and extent of the community involvement and public outreach activities that were to be instituted to assure the appropriate involvement of the sizeable poor population of the area. It seems that meetings and forums were held at considerable distance from the actual area where the community that may be most impacted by activities are located. What are the strategies that will be used to assure the appropriate involvement of the citizens in the decision making process?	Comment acknowledged. See response to comment PH 4.1	11/10/2008  William Arguto



**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
AG 5.27c	Greater consideration needs to be given to cumulative impacts that may impact the resident population. There will be impacts associated with any and all activities that are undertaken. However, there seems to be little attention paid to what those impacts are, where and how close to resident populations that will be, and what the nature and extent of those impacts will be. How do mitigation measures address these concerns?	Comment acknowledged. See response to comment C 26.1	11/10/2008 William Arguto
AG 5.27d	There seems to be an assumption that the leases will only have positive impacts upon the population. What documentation exists that demonstrates that there will be positive impacts on this community? This state has and does have a considerable number of this type of project, but the percentage of the population living below the poverty level remains well above the national average. Additional information is required to justify the assertions made regarding the benefits to the communities economically.	Comment acknowledged. Impacts described in the LUA/EIS are results of engineering and scientific analyses, not assumption. The proposed mining is anticipated to have minimal negative impact on environmental resources. Positive impacts are anticipated to socioeconomic resources.  Please see section 3.1.2, where text describes potential impacts to geologic resources and existing structures including the East Lynn Lake dam.  Please see section 3.12.2, where text describes potential impacts to recreation.  Please see sections 3.2.2 and 3.3.2, where text describes potential impacts to water resources.  Please see section 3.6.2, where text describes potential impacts to fish and wildlife resources.  Please see section 3.8.2, where text describes potential impacts to socioeconomic resources.	11/10/2008 William Arguto



**Final Land Use Analysis and Final Environmental Impact Statement  
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**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
CI 1	RE: Shawn Cade 8/11/2008 See comments C 18.1 through 18.7 and comments PH 4.1 through 4.3	BLM letter addressed to Senator Byrd dated September 17, 2008	8/15/2008 Senator Byrd
CI 2	RE: Shawn Cade 8/11/2008 See comments C 18.1 through 18.7 and comments PH 4.1 through 4.3	BLM letter addressed to Congressman Rahall dated September 15, 2008  BLM letter addressed to Mr. Shawn Cade dated September 15, 2008	8/15/2008 Congressman Rahall
CI 3	RE: Joe Stanley 8/15/2008 (No letter attached) See comments C 20.1 through C 20.7 and comments PH 3.1 through PH 3.15	BLM letter addressed to Congressman Rahall dated September 16, 2008  BLM letter addressed to Mr. Joe Stanley, dated September 16, 2008	No date Congressman Rahall
CI 4	RE: Joe Stanley 8/15/2008 No letter attached. See comments C 20.1 through C 20.7 and comments PH 3.1 through PH 3.15	BLM letter addressed to Senator Byrd dated September 16, 2008  BLM letter addressed to Mr. Joe Stanley, dated September 16, 2008	No date Senator Byrd
CI 5	RE: Wayne County Commission 8/18/2008 See comments C 22.1 through C 22.4	BLM letter addressed to Senator Byrd dated September 10, 2008	8/25/2008 Senator Byrd



**Appendix J—RESPONSE TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>Response</b>	<b>Date Received/ Name</b>
CI 6	RE: Wayne County Commission 8/18/2008 See comments C 22.1 through C 22.4	BLM letter addressed to Senator Rockefeller dated September 15, 2008	9/4/2008 Senator Rockefeller
CI 7	RE: Marvin and Roberta Adkins 8/19/2008 See comments C 21.1 through C 21.11	BLM letter addressed to Mr. and Mrs. Adkins, no date.	9/30/2008 Congressman Rahall
CI 8	RE: Terry and Tonna Vanderpool 8/19/2008 See comments C 23.1 through C 23.9	BLM letter addressed to Mr. and Mrs. Vanderpool, no date.	9/30/2008 Congressman Rahall







Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C1



County Commission of Wayne County

P.O. Box 248  
Wayne, West Virginia 25570  
Phone 304-272-6350 • Fax 304-272-6348

Charles E. Sammons, President • James H. Booton, Commissioner • Rick Wellman, Commissioner

November 19, 2007

Terry A Reed, Senior Project Manager  
Golder Associates, Inc.  
6165 Ridgeview Ct. Suite G  
Reno, NV 89519

RE: East Lynn Lake Coal Lease

Dear Mr. Reed:

C 1.1

We the Wayne County Commissioners are concerned about the proximity to which the proposed mining will be to the water's edge at East Lynn Lake. We feel that a 200 ft barrier around the lake is not sufficient to prevent any leaching of mining waters into the lake and would therefore support an extended barrier of 700 to 1000 ft. We feel that this distance would protect the lake from any future waste leaking into the lake, changing the chemical balance, and affecting the wild life.

We ask that you use this information in the processing of the application for the coal lease. If you have any questions or comments please do not hesitate to contact this office.

Sincerely,

*Charles E. Sammons*  
Charles E Sammons,  
President

*James H. Booton*  
James H Booton,  
Commissioner

*Rick Wellman*  
Rick Wellman,  
Commissioner



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C2



James Osburn  
<jamesosburn@yahoo.com>  
05/26/2008 03:56 PM

To EastLynnLakeComments@blm.gov  
cc  
bcc  
Subject Add to mailing list

C 2.1

My name is James Osburn. I live at Rt 1 Box 569X; Genoa, WV, 25517. I live only about a mile or so from the lake itself. I would like to be added to the mailing list. My e-mail address is [jamesosburn@yahoo.com](mailto:jamesosburn@yahoo.com).



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C3



MiningEngineerWV@aol.com  
07/01/2008 10:37 AM

To EastLynnLakeComments@blm.gov  
cc thomaswhowardinc@aol.com  
bcc  
Subject Mining Engineering and due diligence services.

C 3.1

Hello: My name is Charles Howard. I am a Consulting Mining Engineer in WV and write to inquire about the possibility of aiding the BLM in the management and due diligence of this coal lease. Much of my work is for coal land owners, Estate Trusts, land companies, etc., and I'd like to discuss how I could work for the BLM on this property. We have many clients in the general area of the East Lynn Lake property and our firm can help you.

I am experienced in underground coal mining and I am Certified as an Underground Mine Foreman in WV. I'm a Professional Mining Engineer, a graduate Mineral Economist, and a Certified Minerals Appraiser.

Thank you for your consideration and please advise who I could contact regarding this issue.

Charles G. Howard, P.E.  
Thomas W. Howard, Inc.  
411 Main Street  
Mount Hope, WV 25880  
304-877-6665 Telephone  
304-877-6664 Fax  
[thomaswhowardinc@aol.com](mailto:thomaswhowardinc@aol.com)  
Morgantown:  
304-292-0898 Telephone  
304-292-6842 Fax  
[MiningEngineerWV@aol.com](mailto:MiningEngineerWV@aol.com)  
[Choward723@aol.com](mailto:Choward723@aol.com)

Gas prices getting you down? Search AOL Autos for fuel-efficient [used cars](#).



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C4



Terry Hensley  
<thensley1102@yahoo.com>  
07/18/2008 10:08 AM  
Please respond to  
thensley1102@yahoo.com

To EastLynnLakeComments@blm.gov  
cc  
bcc  
Subject East Lynn Lake

Dear Sir/Madam:

C 4.1

I am responding to a recent notice that I received regarding the East Lynn Lake properties in Wayne County, WV. I support the East Lynn Lake project and believe that allowing this property to be leased to coal mining companies will be good for the local economy. It will also provide jobs to citizens of Wayne County. As a taxpayer of Wayne County, I hope that you will give positive consideration to this project.

Sincerely,

Terry Hensley



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C5

Bureau of Land Management - Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

Dear BLM:

C 5.1

I work for Argus Energy, LLC in Lincoln and Wayne Counties, WV. I support the leasing and economic recovery of the East Lynn Coal Reserve. Having access to the federal coal would boost the local economy as well as helping with the country's energy needs.

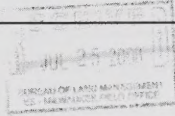
C 5.2

I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.

Thank you very much for considering my comments.

Sincerely,

*J.R. Mullins*



*J.R. Mullins  
P.O. Box 145  
Rocky Dale, WV 25607*

RECEIVED JUL 25 2008

23 JUL 2008 PM 1:17



Attention: Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

73202-0617





Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C6

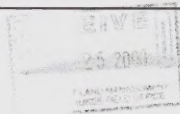
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

Dear BLM:

C 6.1	I work for Argus Energy, LLC in Lincoln and Wayne Counties, WV. I support the leasing and economic recovery of the East Lynn Coal Reserve. Having access to the federal coal would boost the local economy as well as helping with the country's energy needs.
C 6.2	I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.

Thank you very much for considering my comments.

Sincerely, *Herman Williamson*



Herman Williamson  
RT 1 Box 403  
Dunlow WV  
25911

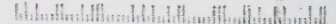
WASHINGTON WA 985

23 JUL 2002 PM 2 4



Attention: Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

332024417





Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C7

Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

Dear BLM:

C7.1

I work for Argus Energy, LLC in Lincoln and Wayne Counties, WV. I support the leasing and economic recovery of the East Lynn Coal Reserve. Having access to the federal coal would boost the local economy as well as helping with the country's energy needs.

C7.2

I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.

Thank you very much for considering my comments.

Sincerely,

*Steve W. Wilbur*

Steve W. Wilbur  
P.O. Box 221  
Marion WV 25635

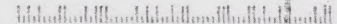
HAMTINTON WV 25635

23 JUL 2008 PM 21



Attention: Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

53202+4617

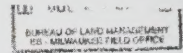




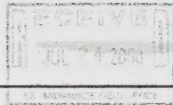
Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C8

July 16, 2008



Attention: Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202



Dear BLM:

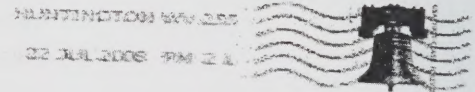
C8.1	I work for Argus Energy, LLC in Lincoln and Wayne Counties, WV. I support the leasing and economic recovery of the East Lynn Coal Reserve. Having access to the federal coal would boost the local economy as well as helping with the country's energy needs.
C8.2	I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.

Thank you very much for considering my comments.

Sincerely,

*James Clark*

James Clark  
RT 1 Box 288  
Delbarton WV  
25670



Attention: Chris Carusona  
Bureau of Land Management-Eastern  
States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

73202+4617



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C9

Attention: Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

Dear BLM:

C 9.1	I work for Argus Energy, LLC in Lincoln and Wayne Counties, WV. I support the leasing and economic recovery of the East Lynn Coal Reserve. Having access to the federal coal would boost the local economy as well as helping with the country's energy needs.
C 9.2	I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.

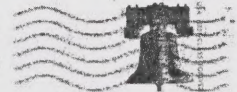
Thank you very much for considering my comments.

Sincerely, Robert Ratcliff

Robert Ratcliff  
P.O. Box 624  
Kermitt Wv  
25674

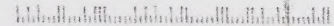
WASHINGTON, WV 255

25 JUL 2008 PM 2:1



Attention: Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

53202+0617



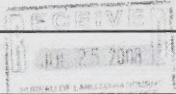


Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C10

Attention: Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

Dear BLM:

C 10.1		I work for Argus Energy, LLC in Lincoln and Wayne Counties, WV. I support the leasing and economic recovery of the East Lynn Coal Reserve. Having access to the federal coal would boost the local economy as well as helping with the country's energy needs.
C 10.2		I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.

Thank you very much for considering my comments.

Sincerely,

*Lewis T. Smith*

Lewis Smith  
HC 84 Box 3  
Wilsowdale WA  
25699

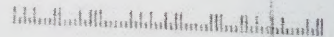
HUNTINGTON WV 256

23 JUL 2008 PM 2:1



Attention: Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

52252+4617

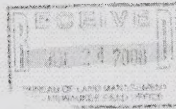
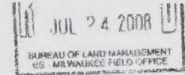




Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C11

July 16, 2008



Attention: Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

Dear BLM:

C 11.1	I work for Argus Energy, LLC in Lincoln and Wayne Counties, WV. I support the leasing and economic recovery of the East Lynn Coal Reserve. Having access to the federal coal would boost the local economy as well as helping with the country's energy needs.
C 11.2	I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.

Thank you very much for considering my comments.

Sincerely,

*Darrell Dalton*

DARRELL DALTON  
RT 2 Box 299  
HARTS W.V.  
25524

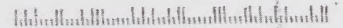
HUNTINGTON W.V. 256

22 JUL 2008 PM 11



Attention: Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

53202+4617





Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C12

BUREAU OF LAND MANAGEMENT  
EASTERN STATES FIELD OFFICE

Attention: Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

Dear BLM:

C 12.1

I work for Argus Energy, LLC in Lincoln and Wayne Counties, WV. I support the leasing and economic recovery of the East Lynn Coal Reserve. Having access to the federal coal would boost the local economy as well as helping with the country's energy needs.

C 12.2

I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.

Thank you very much for considering my comments.

Sincerely,

*Johnny Dingess*

Johnny Dingess  
Po Box 232 Cron WV  
25669

HUNTINGTON WV 256  
20 JUL 2008 PM 1T



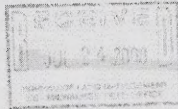
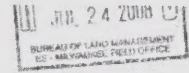
Attention: Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C13

July 16, 2008



Attention: Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202

Dear BLM:

C 13.1

I work for Argus Energy, LLC in Lincoln and Wayne Counties, WV. I support the leasing and economic recovery of the East Lynn Coal Reserve. Having access to the federal coal would boost the local economy as well as helping with the country's energy needs.

C 13.2

I know that both Argus Energy and Rocksprings Development do great reclamation work and in my opinion the environment and wildlife would be better than before mining.

Thank you very much for considering my comments.

Sincerely,

*Ravin Dingess*

Ravin Dingess  
HC 74 Box 3053  
Chapmanville WV  
25508

HUNTINGTON WV 259

22 JUL 2008 3PM ET



Attention: Chris Carusona  
Bureau of Land Management-Eastern  
States  
Milwaukee Field Office  
626E Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C14



Mary Ware  
<mware@windstream.net>  
07/25/2008 06:33 AM

To <eastlynnlakecomments@blm.gov>  
cc  
bcc  
Subject East Lynn Lake

Gentlemen:

This communication is to serve as my support of the proposed lease of the East Lynn Property for the purpose of coal mining activities.

C 14.1	The area in West Virginia which is under consideration for lease is in an economically depressed area. Based on the latest census data available, West Virginia ranks 49 out of 50 states in per capita income. The coal mining industry provides excellent pay as well as many benefits including health insurance which is desperately needed in this area of our country.
C 14.2	With the continuing increase in fuel prices, our nation is beginning to realize that we can no longer be dependent on foreign countries. We have the knowledge to develop clean coal technology, and we need to use our nation's resources towards providing a more efficient fuel source.
C 14.3	Our government has a responsibility to it's people to use our resources in the most beneficial manner. In the case of the East Lynn Lake property, that would be to allow coal mining on the property which the Department of the Interior controls.  I hope you will support the coal mining industry in the lease of the federal property in the East Lynn Lake area.

If you have any questions, or need any additional information, I can be reached at (606) 929-1369.

My address is: 3716 Briarwood Drive, Catlettsburg, KY 41129.

Mary L. Ware, CPA



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C15

COMMENTS  
EAST LYNN LAKE COAL LEASE APPLICATIONS  
Wayne County, West Virginia

Date 07/31/2008  
Name (please print) Emily Cornwell  
Mailing Address Rte 2 Box 1533X  
City, State, Zip Code Wayne, WV, 25570  
County Wayne email \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Organization \_\_\_\_\_ Title \_\_\_\_\_

The Bureau of Land Management (BLM) has received two applications to lease a total of 13,089.55 acres of Federal coal at the East Lynn Lake project in Wayne County, West Virginia. The lease applications for mining the federal coal on these tracts were applied under the provisions of 43 Code of Federal Regulations (CFR) 3425.1. The BLM will prepare a Land Use Analysis/Environmental Impact statement (LUA/EIS) prior to a decision on whether to proceed with a competitive Federal coal lease sale. Both applicants are proposing to mine the coal by underground mining methods from existing mines they operate on adjacent private land, with no proposed surface disturbance.

The BLM invites the public, other Federal Agencies, State and local governments to submit information on coal resource development potential and on resources which may be affected by coal development for lands within the analysis area. The BLM also asks that you suggest issues that should be considered in developing the LUA and include statements explaining why the land should or should not be considered for leasing. Comments must be received in the Rolla BLM Office by close of business (COB) Dec 1, or if emailed, must be transmitted by 4:30 PM EST on Dec 1. You may send written comments to *Bureau of Land Management, Attn: John Romito, 901 Pine Street, Suite 201, Rolla, MO 65401*. You may also submit email electronic comments and other data to [EastLynnLakeComments@blm.gov](mailto:EastLynnLakeComments@blm.gov). If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently in your written comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organization or businesses, will be made available for public inspection in their entirety.

C 15.1	I am concerned about the proposed lease of the East Lynn Lake surrounding land to coal companies. As frequent users of the lake and surrounding recreation areas I do not want
C 15.2, C 15.3	to see the land disturbed in any way. I am concerned about unsightly mining equipment and the mines effect on wildlife. I also have concerns about the mines wastewater
C 15.4	contaminating the lake. Can you tell me what impact the expansion of these mines will have on the groundwater and subsequently the well water of those living in proximity to
C 15.5	the Lake. I am concerned about acid mine drainage also. How will this mining effect the
C 15.6	pH of the lake and the ultimately the aquatic life in the lake? How close to the perimeter
C 15.7	of the lake will the mining be allowed ( in feet, miles, etc.)?

Signature: Emily Cornwell-signed electronically  
Date: 7/31/2008

Do you wish to be added to the mailing list to receive information about this project Yes ☐ No ☐

Thank you for taking the time to attend this informational meeting and providing us with your thoughts and comments.



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C16



"HILTON, KATHRYN"  
<HILTONKA@mailbox.sc.edu  
>

08/01/2008 12:15 PM

To <EastLynnLakeComments@blm.gov>

cc

bcc

Subject East Lynn Lake

Hello,

C 16.1	I am very concerned with the thought of a coal mining institution being placed next to East Lynn lake! I realize the coal company says that they do not foresee any problems, but that is just not the way things are going to happen. Runoff from the blasting will enter the water and pollute it for all who use it. The
C 16.2	damage it will do to the ecology in the area is so pronounced that I do not understand why the coal company is even being allowed to propose a site in the area. There are many, many things wrong with coal mining, but my point here is to stress the affect on the lake. The pollution that leaches into the water, whether it be in the form of coal dust or
C 16.3, C 16.4	sludge, will affect all life in the water and surrounding community. The people in the area use the lake for recreation and sustenance. What is going to happen to these people when the water is so polluted they cannot swim or fish in it? Again, I realize the coal company does not foresee any problems, but by the time the issues myself and others are concerned about reveal themselves, it is too late! I DO NOT want this to happen, I do not want the problem
C 16.5	addressed after it is in existence, the best way to deal with this is to NOT ALLOW THE FACILITY! Please take me seriously, please take everyone else who writes in seriously and THINK about what you are doing by allowing another coal facility ruin another community!

Thank-you very much,

Kathryn Hilton  
(803)646-8243  
hiltonka@mailbox.sc.edu



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C17



natalie vanderpool  
<n\_vanderpool@yahoo.com>

08/01/2008 10:51 AM

Please respond to  
n\_vanderpool@yahoo.com

To EastLynnLakeComments@blm.gov

cc

bcc

Subject Comments About Mining

To whom it may concern:

I am a citizen of wayne county. My family has lived in wayne county as long as I can remember. I am

C 17.1

opposed to the mining of/near East Lynn Lake. The damage this mine will do can never be undone. The mine will last ten to fifteen years, but the lake has an estimated life of 100-200 years. Taking the chance of ruining the lake, the community's water supply, and also polluting the area is absurd. This

C 17.2

is a terrible place to even consider having a mine. The community uses the lake for recreational purposes. It is a place where families can go to spend quality time. I do not want this area polluted by your dirty coal. Also the Corps of Engineers payed millions for the mineral rights so this did not

C 17.3

happen. The tax money used to do so should be honored. By mining this land the millions used to protect the land would be for



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C18



"Beth & Shawn Cade"  
<scademan@frontiernet.net>  
08/11/2008 10:15 PM

To <EastLynnLakeComments@blm.gov>  
cc  
bcc  
Subject East Lynn Lake Coal Mining permit

Dear BLM:

I am writing to express my concerns of the proposal by Argus Energy and Rockspring Development propose to lease 13,089.55 acres of federal coal for underground mining at East

C 18.1	Lynn Lake. They propose to mine within 1600 feet of the dam. Mining could impact the integrity of the dam and the environmental impacts to the water quality, fish, wildlife and plant life could be irreversible. BLM has prepared an Environmental Impact Statement for this proposal. The
C 18.2	current 90 day comment period ends on September 24, 2008. This report has not been properly reviewed by the public. Very little public participation has taken place. The public comment
C 18.3	period needs to be extended at least 180 days. Many questions remain unanswered. A few include: Why was management and responsibility for the coal transferred from the US Army
C 18.4, C 18.5	Corps of Engineers to BLM? What will be the true impacts of mining on the lake? What new tests have been conducted to conclude that mining will not be detrimental to the lake?
C 18.6, C 18.7	East Lynn Lake plays a vital role in the protection of Wayne County residents home and properties from annual flooding. It is also vital to the economy brining thousands of tourist to Wayne County each year to enjoy, hiking, fishing, boating, camping, hunting, bird watching, etc.
C 18.2 cont.	Many questions MUST be answered. Please extend the public comment period another 180 days so the public can be heard.

Sincerely,

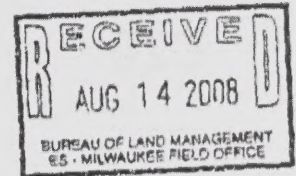
Shawn and Beth Cade  
Wayne, WV



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C19

Joseph C. Stanley  
Rte 1 Box 300  
Prichard, WV 25555



Commander Dana Hurst  
Army Corps of Engineers  
502 Eighth Street  
Huntington, WV 25701

August 12, 2008

Re: East Lynn Lake Coal Mining Feasibility Study

All information being requested is to be provided in accordance with guidelines of the Freedom of Information Act.

C 19.1

When the East Lynn Lake project was proposed, a study was conducted to determine the feasibility of mining coal in that area after the completion of the dam and lake. I am requesting a copy of that study along with all related papers, analysis and the concluded findings.

I also request copies of all comments from the Army Corps of Engineers to the Bureau of Land Management; expressing concerns on the Draft Environmental Impact Statement / Coal Lease / Land Use Analysis of the East Lynn Lake Project.

Sincerely,

Joseph C. Stanley

cc: Congressman Nick Rahall  
cc: Christopher Carusona II  
cc: Patricia Finney



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C20

08/19/2008 08:53 4142974409

BLM MILWAUKEE

PAGE 02/05



"Tonna Vanderpool"  
<vanderpoolt@zoominternet.net>

08/15/2008 12:03 PM

Please respond to  
"Tonna Vanderpool"  
<vanderpoolt@zoominternet.net>

To <EastLynnLakeComments@blm.gov>,  
<Chris\_Carusona@blm.gov>, <spres@mail.wvnet.edu>,  
<bplymale@mail.wvnet.edu>,  
cc <jmustang69mach1@aol.com>,  
<vanderpoolt@zoominternet.net>,  
<MKAdkins12@aol.com>, "Janet Martino"

bcc

Subject West Virginia - East Lynn Lake Coal Lease

History: This message has been forwarded.

August 15, 2008

RE: West Virginia - East Lynn Lake Coal Lease

The Honorable Nick Rahall, House of Representatives, Washington, DC 20515

Dear Congressman:

I am writing to express my concerns of the proposal by Argus Energy and Rockspring Development propose to lease 13,089.55 acres of federal coal for underground mining at East Lynn Lake in West Virginia. They propose to mine within 1600 feet of the dam. Mining could impact the integrity of the dam and the environmental impacts to the water quality, fish, wildlife and plant life could be irreversible. The U.S. Department of the Interior Bureau of Land Management - Eastern States (BLM) has prepared an Environmental Impact Statement for this proposal. The current 90-day comment period ends on September 24, 2008.

C 20.1

C 20.2

This report has not been properly reviewed by the public. Very little public participation has taken place. The public comment period needs to be extended at the very least 180 days. Many questions remain unanswered.

C 20.3

A few include: Why was management and responsibility for the coal transferred from the US Army Corps of Engineers to BLM?

C 20.4

What will be the true impacts of mining on the lake?

C 20.5

What new tests have been conducted to conclude that mining will not be detrimental to the lake?

C 20.6

C 20.7

East Lynn Lake plays a vital role in the protection of Wayne County residents home and properties from annual flooding. It is also vital to the economy bringing thousands of tourist to Wayne County, West Virginia each year to enjoy, hiking, fishing, boating, camping, hunting, bird watching, etc.

Many questions **MUST** be answered.

Please urge BLM to extend the public comment period another 180 days so the public can be



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

08/19/2008 08:53 4142974409

BLM MILWAUKEE

PAGE 03/05

C20

*heard and properly represented.*

*Sincerely,*

*Joe Stanley, Prichard, WV 25555*

*Email: jmustang69mach1@aol.com*

*Telephone: 304-486-5826*

*Cc: The Honorable Jay Rockefeller, United States Senator, Washington, DC 20510*

*The Honorable Senator Robert Byrd, United States Senator, Washington, DC 20510*

*WV State Senator Earl Ray Tomblin*

*WV State Senator Robert Plymale*

*WV House Richard Thompson*

*WV House Don Perdue*

*Wayne County Commission Bret Jones*

*Juan Palma, BLM Eastern States Director,*

*Chris Carusona, BLM*



C21

**Marvin and Roberta Adkins**  
**Route 2 Box 2499**  
**Wayne, WV 25570**

August 19, 2008

Honorable Nick J. Rahall  
House of Representatives  
2307 Rayburn Building  
Washington, DC 20515-4803

Dear Representative Rahall:

I am writing to express my concerns of the proposal by Argus Energy and Rockspring Development propose to lease 13,089.55 acres of federal coal for underground mining at East Lynn Lake. They propose to mine within 1600 feet of the dam. Mining could impact the integrity of the dam and the environmental impacts to the water quality, fish, wildlife and plant life could be irreverable. I live downstream of this lake and maintaining the safety of the dam is imperative to the safety of my family and property.

The Bureau of Land Management has prepared an Environmental Impact Statement for this proposal. The current 90 day comment period ends on September 24, 2008. This report has not been properly reviewed by the public. Very little public participation has taken place. The public comment period needs to be extended at least 180 days. Many questions remain unanswered including:

1) Why was management and responsibility for the coal transferred from the US Army Corps of Engineers to BLM?

2) What will be the true impacts of mining on the lake?

3) What new tests have been conducted to conclude that mining will not be detrimental to the lake?

My daughter and I attended a public meeting in the town of Wayne hosted by BLM on March 27, 2007. Including me and my daughter there was one other local resident in attendance. The public announcement for this meeting published in the Wayne County News stated that we had to email or call to RSVP to attend the meeting. The phone number listed was not local but a long distance call to Milwaukee, Wisconsin. The most recent meeting again hosted by BLM was held in July had more local residents but we were only allowed 5 minutes to express our concerns and BLM did not answer any of our questions. It was a very impersonal and frustrating experience.

Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C21

- |         |   |
|---------|---|
| C 21.9  | East Lynn Lake plays a vital role in the protection of Wayne County residents           |
| C 21.10 | home and properties from flooding. I also enjoy fishing and boating at the lake. My     |
| C 21.11 | grandsons also camp, boat, swim and fish at East Lynn Lake. I want them to be able to   |
|         | continue enjoying the lake for many years to come. There are numerous questions that    |
|         | need to be answered. Please urge BLM to deny this request or at least extend the public |
|         | comment period another 180 days and properly engage the public.                         |

Thank you for your assistance in this matter and we appreciate your  
representation of the residents of Wayne County.

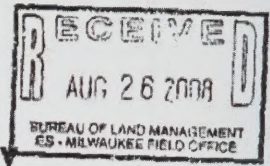
Sincerely,

*Marvin Adkins*  
*Roberta Adkins*

Marvin and Roberta Adkins  
Route 2 Box 2499  
Wayne, WV 25570  
(304) 272-3488



## C22



Rick Wellman, President • James H. Booton, Commissioner • Charles E. Sammons, Commissioner

J:\06JOBS\063-2239 East Lynn Lake LUA and EIS\0300 deliverables\AP\UA AFFIS\Appendix\Appendix A2 C\Comments\letters-Combined 20080212.doc

**Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease**

C23

Subject: West Virginia - East Lynn Lake Coal Lease

Importance: High

August 19, 2008

Subject: West Virginia - East Lynn Lake Coal Lease

The Honorable Nick Rahall,

House of Representatives, Washington, DC 20515

Dear Congressman Rahall:

C 23.1	East Lynn Lake plays a vital role in the protection of Wayne County residents home and properties from annual flooding. It is also vital to the economy bringing thousands of
C 23.2	tourist to Wayne County, West Virginia each year to enjoy, hiking, fishing, boating, camping, hunting, bird watching, etc.
C 23.3	I am writing to express my concerns of the proposal by Argus Energy and Rockspring Development propose to lease 13,089.55 acres of federal coal for underground mining at East Lynn Lake in West Virginia. They propose to mine within 1600 feet of the dam. Mining could impact the integrity of the dam and the environmental impacts to the water quality, fish, wildlife and plant life could be irreversible.
C 23.9	The U.S. Department of the Interior Bureau of Land Management - Eastern States (BLM) has prepared an Environmental Impact Statement for this proposal. The current 90-day comment period ends on September 24, 2008. This report has not been properly reviewed by the public. Very little public participation has taken place. The public comment period needs to be extended at the very least 180 days. Many questions remain unanswered. A few include:
C 23.4	1. Why was management and responsibility for the coal transferred from the US Army Corps of Engineers to BLM?
C 23.5	2. What will be the true impacts of mining on the lake?
C 23.6	3. What new tests have been conducted to conclude that mining will not be detrimental to the lake?
C 23.4 cont.	The Corps had good reason to guard against mining under the East Lynn recreation area, and this safeguard has been circumvented. It is unsettling that the oversight of the East Lynn Lake has been taken away from the Corps of Engineers and given to the Bureau of Land Management. We request that the oversight of the East Lynn Dam be given back to the proper entity which is the U.S. Corps of Engineers.



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C23

C 23.7	<p>No two words carry more drama and pain in the West Virginia coalfields than - Buffalo Creek. Those two words symbolize all the dangers of surface mining. They speak of the callous attitude the mines sometimes show towards those who live nearby. As you well know, over thirty years ago, one of the deadliest floods in U.S. history occurred in southern West Virginia's Buffalo Creek hollow. Negligent strip mining and heavy rain produced a raging flood and in matter of minutes, 118 were dead, over 4,000 people were left homeless and seven were never found.</p> <p>In 1967, the U.S. Department of the Interior had warned West Virginia state officials the Buffalo Creek dams and 29 others throughout West Virginia were unstable and dangerous. Historian John Alexander Williams once wrote: "In West Virginia, history often repeats itself. Perhaps the fact that our history is so painful explains why it is so poorly understood."</p>
C 23.8	<p>We understand that coal mining is very important to West Virginia's economy, but it needs to be done responsibly and with adequate foresight and anticipation of consequences—if regulatory and enforcement agencies are weakened or circumvented, the chances of mining in a responsible way are diminished.</p>
C 23.9 cont.	<p>Many questions MUST be answered. Please urge BLM to extend the public comment period another 180 days so the public can be heard and properly represented; and too heed the Corps of Engineers warnings and not allow mining under the East Lynn recreation area.</p>

Sincerely,

Terry & Tonna Vanderpool

1319 Chestnut Street, Kenova, WV 25530

Telephone: 304-453-1102

Cc: The Honorable Jay Rockefeller, United States Senator, Washington, DC 20510

The Honorable Senator Robert Byrd, United States Senator, Washington, DC 20510

WV State Senator Earl Ray Tomblin

WV State Senator Robert Plymale

Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C23

WV House Richard Thompson

WV House Don Perdue

Wayne County Commission Bret Jones

Juan Palma, BLM Eastern States Director,

Chris Carusona, BLM



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C24



Mark Connelly  
<cmc909@yahoo.com>

08/31/2008 09:59 AM

Please respond to  
cmc909@yahoo.com

To EastLynnLakeComments@blm.gov

cc

bcc

Subject NO to big coal

- |        |   |
|--------|---|
| C 24.1 | Do not trade the natural beauty of the much used East Lynn Lake, for big coal profits. There are many safety issues to consider. Seepage into deep mines can cause extreme problems for the entire area of West Virginia. Please say NO to this coal lease. |
| C 24.2 |   |
| C 24.3 |   |

Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C25



"N. Copeland"  
<nbc89001@hotmail.com>  
08/31/2008 01:35 PM

To <eastlynnlakecomments@blm.gov>  
cc  
bcc

Subject Mining Proposal at East Lynn Dam area, East Lynn, WV

To Whom It May Concern:

I wish to express my great dissatisfaction with the proposal to mine property within the East Lynn Dam area. Unless the companies seeking approval to do so have completely exhausted the coal within their own property now, the proposal should not even be considered. Should the coal supply be running out, I

C 25.1

still would object. I lived in that area before the dam was built and remember all too well the destruction of flooding during the sixties. Homes were destroyed or severely damaged, and well water was contaminated. I can only imagine the mess generated when the dam and surrounding property is damaged by mining in the area. Honestly, people might be surprised by how close the mining is the area

C 25.2

already. I am disappointed in Rahall who sneaked that legislation in making this the only property managed the the Corps which can be regulated by the Land Management group instead. Politics will be the ruination of us all. Please do not allow the two mining groups to acquire the right to mine in that

C 25.3

area. My grandparents and great grandparents lie in graves above the Rockspring mine facility on Camp Creek. I think I know what damage can be done. Thank you for the opportunity to express my concerns.

C 25.4

*Nora Copeland*



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C26



matt spoon  
<m-spoon@hotmail.com>  
09/01/2008 01:36 PM

To <eastlynnlakecomments@blm.gov>  
cc  
bcc  
Subject bad business

Hello,

C 26.1

My name is Matt Spoon and I think mining this close to East Lynn Lake is bad business. . I have read the environment impacted studies and there are to many risks at hand. If we lose the lake and all it has to offer it will destroy the fishing, water quality, local animal species, local economy and the hearts of the local people.

Matt Spoon  
5501 loyal ave.  
durham NC 27713

C27



"Stacy Nida"  
<spacyen@gmail.com>  
09/07/2008 11:45 AM

To EastLynnLakeComments@blm.gov  
cc  
bcc  
Subject mailing list request

C 27.1

Please add me to the mailing list to receive updates about the ELL Coal Lease project.

Thanks,

Stacy

Stacy Nida  
645 Giger Street  
Huntington, WV 25701  
[spacyen@gmail.com](mailto:spacyen@gmail.com)

Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C28



chey7830@aol.com  
09/08/2008 03:18 PM

To EastLynnLakeComments@blm.gov  
cc  
bcc  
Subject Leasing mineral rights around East Lynn Lake

To Whom it may concern:

C 28.1	I'm writing out of concern for the proposed leasing and underground mining of public property around East Lynn Lake. That land was set aside for the public trust and should be unavailable for use by private coal companies. According to the Herald-Dispatch, it's the only land in the nation that bypasses the usual process through the Corps of Engineers. That's a real issue, since it is now vulnerable to the like so coal companies that are uninterested in what is best for the public. Keep
C 28.2	East Lynn Lake public, safe, and clean. Please reject the applications from coal companies to lease the property.

Thank you,  
Cheyenna Weber  
Roane County, WV

Looking for spoilers and reviews on the new TV season? [Get AOL's ultimate guide to fall TV.](#)



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C29



Lydia Garvey  
<wolfhowimama@yahoo.com>

09/08/2008 05:58 PM

Please respond to  
wolfhowimama@yahoo.com

To EastLynnLakeComments@blm.gov

cc

bcc

Subject Nix East Lynn Mining Proposal

C 29.1

It's destructive & damages the ecosystem balance. Do your job-Protect Our Public lands, waters & wildlife! You work for citizens, not industry!

Your attention to this most urgent matter would be much appreciated by all present & future generations of all species.

Thank you Lydia Garvey 429 S 24th Clinton OK 73601

Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C30



<robinbe@peoplepc.com>

09/09/2008 11:28 PM

To <EastLynnLakeComments@blm.gov>

cc

bcc

Subject East Lynn lake mining proposal

To whom this may concern:

C 30.1	I think the proposal for mining near East Lynn lake is about the most short-sighted, greedy & destructive idea I've heard of in a lonng time. Massive mining operations so close to the lake & dam will be very likely to pollute it at least, and - at worst - irreperably damage, possibly even destroy the dam, OR the area may suffer a spillage & leakage incident similar to that which happened in KY in 2000 - leaking a higher
C 30.2	quantity of toxic coal sludge, than one of the worst Alaskan spills ever recorded. In addition, I understand that the potential benefit of this project is to the FEDERAL government, NOT to state & local entities. This
C 30.3, C 30.4	is a major economic & environmental disaster waiting to happen, and what about tourism in our "wild & wonderful" state?? Honestly... please refrain from a major mining project near East Lynn lake!

-Robin Blakeman  
robinbe@verizon.net



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C31



don cottle  
<doncottle@yahoo.com>

09/10/2008 11:30 PM

Please respond to  
doncottle@yahoo.com

To EastLynnLakeComments@blm.gov

cc

bcc

Subject Fw: don't let them mine period!!!!

*Don Cottle*

--- On Wed, 9/10/08, don cottle <doncottle@yahoo.com> wrote:

From: don cottle <doncottle@yahoo.com>

Subject: don't let them mine period!!!!

To: eastlynnlakecomments@blm.gov

Date: Wednesday, September 10, 2008, 3:14 PM

whoever is in charge,

C 31.1

who the hell came up with this idea?remember, the lake and land was purchased with taxpayers(you and me) money.so how can the us government sell/lease my land and your land, and our grandchildrens land?

please let me know how this can happen!!!

taxpayer and voter,  
don cottle

*Don Cottle*

Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C32



Dirtyman2@aol.com  
09/11/2008 06:54 PM

To EastLynnLakeComments@blm.gov  
cc  
bcc  
Subject East Lynn lake

C 32.1	Let the coal mines find other places to mine..... why take advantage of tax payers land and there
C 32.2	play grounds, they call it the dead sea now , but let more mines open up around it , talk about being DEAD
C 32.3	Its a great lake to fish in the spring , but if the mines move in it will be dead ! Lots of people like camping there and hiking around the lake , so let the mines find other places to mine ! and why did the state pay
C 32.4	\$55.5 million to acquire the mineral rights ?????????????? Plus \$37 million to acquire the land and build the lake. So why waste that kind of money, that kind of money would have kept everyone in East Lynn along time,

**A concerned outdoors man and fisherman**

Plus why does everyone pay \$3.00 to launch a boat at the ramps and the rub rails there never are fixed, concrete is hard on a fiberglass boat !



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C33



"Maudie Christian"  
<machristian1@verizon.net>  
09/27/2008 08:47 AM

To <EastLynnLakeComments@blm.gov>

cc

bcc

Subject No to mining under East Lynn Lake

Bureau of Land Management:

C 33.1	The Corp of Engineers has paid over 55 million dollars of taxpayers' money to acquire mineral rights to protect the integrity of the East Lynn Lake. Has the coal become so valuable that our representatives have sold us out to the coal companies. I hope that our government will again look at the mission of East Lynn Lake. No where in the mission is there
C 33.2	any mention of mineral extraction. The coal companies are trying to sell the idea through economic impact on Wayne County. This is a very short-sighted approach since the coal companies say mining jobs will be extended only another 10-15 years. What about the economic impact of hunting, fishing, camping, and other recreational activities that will last for generations?
C 33.3	
C 33.4	Why in the world should coal companies be allowed now to lease coal rights and probably destroy this area? I think this is a disgrace that through eminent domain that the government can evict people from their property and then later lease it to a coal company.
C 33.5	It has only been about a decade ago that we watched in horror as the black slurry rushed into the Big Sandy & Ohio Rivers in one of the worst environmental disasters in this country. Relatively little punishment was done to that coal company. We can only judge by the coal companies past performance. I have little faith that they will do the "right thing" for our environment when they have done so little to safeguard it in the past.

I hope your department does the right thing and does not allow the leasing of the coal rights under East Lynn Lake or any other lake. We in West Virginia have seen too much coal mine destruction of our land and water.

Sincerely,  
Maudie Christian  
5015 Route 152  
Lavalette, WV 25535

**Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease**

C34

"Tonna  
Vanderpool"  
<vanderpooltl@zoo  
minternet.net> To  
"Patricia Lynn"  
<patricia@sludgesafety.org>,  
11/10/2008 01:59 <jmustang69mach1@aol.com>, "Beth &  
PM Shawn Cade"  
<scademan@frontiernet.net>,  
<Pookie8810@hotmail.com>  
Please respond to cc  
<vanderpooltl@zoo <Chris\_Carusona@blm.gov>  
minternet.net> Subject  
letter sent Friday

November 7, 2008  
The Honorable Barrack Obama, U.S. President Elect Washington, D.C. Office  
713 Hart Senate Office Building  
Washington, D.C. 20510  
FAX 202-228-4260

Dear President Elect Obama:

First, Thank God and Congratulations on your winning the Presidential Election, you give us hope that things will truly change this time.

C 34.1	We are not anti-mining, but we are against mountain top removal mining.
C 34.2	East Lynn Lake plays a vital role in the protection of Wayne County, West Virginia, residents home and properties from annual flooding. It is also vital to the economy bringing thousands of tourist to Wayne County, West Virginia each year to enjoy, hiking, fishing, boating, camping, hunting, bird watching, etc.
C 34.3	We need your help with the East Lynn Lake Coal Lease. Joe Stanley recently wrote to Senator Byrd, and Congressman Rahall, about the plan by the Bureau of Land Management to lease 13,089 acres of coal to Rockspring Development and Argus Energy. The Army Corps of Engineers spent 37 Million on acquiring property and building East Lynn Lake in the 1960's and another 55.5 Million between 1977 and 1991 to acquire mineral rights around the lake to protect it from problems that come with coal mining.
C 34.4	When the Water Resources Development Act was passed in 1999, Rep. Nick Rahall successfully inserted an amendment that removed the Corps of Engineers consent authority over the mineral rights at East Lynn Lake. The amendment instead placed that authority with the U.S. Bureau of Land Management. The two above mentioned mining companies almost immediately applied for leases. East Lynn Lake remains the only publicly-owned property in the nation where the BLM can bypass approval of the surface management agency (USACE) to lease mineral rights, according to BLM officials.
C 34.5	The USACE is cooperating agency, but according to Comments (23 pages) they do not agree with the Environment Impact Draft. Their statement that appears on page 3 of The EIS says "Because it was considered necessary to acquire the coal in order to ensure realization of optimum values for all (USACE East Lynn Lake Project) purposes the USACE Huntington District has rejected proposals to perform surface or underground mining of the federal coal that lies under the USACE East Lynn Lake."
C 34.6	The USACE considers the life of its East Lynn Lake Project to be 100 to 200 years, and has expressed concern regarding the proposed mining associated with the proposed action. The USACE is concerned about



**Final Land Use Analysis and Final Environmental Impact Statement  
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C 34.6 cont.	<p>potential impact to the integrity of the dam, the reservoir, and the land surface within the East Lynn Lake Project that could result from this relatively short-term project, which is expected to extend mining in the area around the lake by 10 to 15 years.</p> <p>My concern with the action is if the USACE is not fit or qualified to manage East Lynn Lake in Wayne County, West Virginia, then why is it the final authority on allowing mining companies to conduct mountaintop removal mining, sludge impoundments, and all water quality control permits.</p>
C 34.7	<p>The draft Environmental Impact Statement seems to be full of misinformation or inaccuracies. Including the statement that East Lynn Lake is an impaired body of water. To the point the West Virginia Dept. of Environmental Protection states that the tributaries are impaired. In addition the WV DEP is severely understaffed in enforcement and recently forfeited on more than two Billion in fines.</p>
C 34.8	<p>The ethical question also arises, should the federal government condemn hundreds of family's land and mineral rights and then allow a coal company to come in and make possibly hundreds of millions if not billions. It is my understanding one of these companies is owned by a German company. It is also my understanding that the majority of this coal is to be shipped overseas. I am trying to verify this at the present time.</p>
C 34.9	<p>President Elect Obama, I and others in the surrounding area have submitted a list of questions to the Department of the Interior during the public comment meeting that was held in Wayne Town Hall on Thursday, July 31, 2008. We were given five minutes to comment with no answers given. A geologist, Dr. Ronald Martino from Marshall University stated that the strata in the area are fractured and that there is satellite evidence to support this claim.</p>
C 34.10	<p>We are hoping that questions would be answered before the final draft is completed. There has been no third party oversight. The company has paid a consulting firm one million dollars to prepare this report and they have had since November 1999 to prepare this document. It does not seem fair that we only get 90 days; however we were granted an additional 45-day extension. We requested an additional public meeting during the 45-day extension and it was denied by BLM Chris Carusona. Why would BLM grant the public's request to extend the comment period 45 days then not hold another meeting to address the public's concerns?</p> <p>We also request an additional meeting where they actually interact with us and answer the public's questions. The only public held with no interaction, they just stared at us blankly and set the timer to ensure we didn't go over our five minutes.</p>
C 34.11	<p>We understand that coal mining is very important to West Virginia's economy, but it needs to be done responsibly and with adequate foresight and anticipation of consequences----if regulatory and enforcement agencies are weakened or circumvented, the chances of mining in a responsible way are diminished.</p>
C 34.12	<p>The Corps had good reason to guard against mining under the East Lynn recreation area, and this safeguard has been circumvented. It is unsettling that the oversight of the East Lynn Lake has been taken away from the Corps of Engineers and given to the Bureau of Land Management. We request that the oversight of the East Lynn Dam be given back to the proper entity which is the U.S. Corps of Engineers.</p>
C 34.13	<p>No two words carry more drama and pain in the West Virginia coalfields than Buffalo Creek. Those two words symbolize all the dangers of surface mining. They speak of the callous attitude the mines sometimes show towards those who live nearby. As you well know, over thirty years ago, one of the deadliest floods in U.S. history occurred in southern West Virginia's Buffalo Creek hollow. Negligent strip mining and heavy rain produced a raging flood and in matter of minutes, 118 were dead, over 4,000 people were left homeless and seven were never found.</p>

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C 34.13 cont.

In 1967, the U.S. Department of the Interior had warned West Virginia state officials the Buffalo Creek dams and 29 others throughout West Virginia were unstable and dangerous. Historian John Alexander Williams once wrote:  
"In West Virginia, history often repeats itself. Perhaps the fact that our history is so painful explains why it is so poorly understood."

I would like to thank you in advance for your help in this matter. Myself and others are doing our best to fight this proposal in the form that is has been presented. Please help us!

Sincerely,  
Terry and Tonna Vanderpool  
BMWE and United Transportation Union  
1319 Chestnut Street  
Kenova, WV 25530  
[vanderpooltl@zoominternet.net](mailto:vanderpooltl@zoominternet.net)

CC: Ron Wyden, Senator – fax 202-228-2717  
Al Gore, Vice President  
Robert Kenney, Jr.,  
Chris Carusona, Planning & Environmental Coordinator, at 414- 297-4463, ([Chris\\_Carusona@blm.gov](mailto:Chris_Carusona@blm.gov))  
BLM-ES Milwaukee Field Office, 626 E. Wisconsin Ave., Suite 200, Milwaukee, WI 53202  
Patricia Lynn Feeney, OHVEC, Email: [patricia@sludgesafety.org](mailto:patricia@sludgesafety.org)  
Natalie Vanderpool, OHVEC and Greenpeace, [Pookie8810@hotmail.com](mailto:Pookie8810@hotmail.com)  
Beth & Shawn Cade, Email: [scademan@frontiernet.net](mailto:scademan@frontiernet.net)  
Joseph C. Stanley, Rt 1 Box 300, Prichard, WV 25555, 304-486-5826, Email:  
[jmustang69mach1@aol.com](mailto:jmustang69mach1@aol.com) (Joe Stanley -- Is a retired disabled coal miner, a certified underground miner, a certified surface miner. He has worked as a non union miner and as a union miner. He has attended the MSHA academy in Beckley, WV. He has been involved in mine health and safety issues of all type including mining plans, roof control plans and accident investigation.)  
Energy & Natural Resources Committee Office – fax 202-224-6163  
Juan Palma, BLM State Dir. – fax 703-440-1701



Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C35



"Maggard, Bradley T."  
<bradley\_maggard7@EKU.E  
DU>

11/09/2008 07:11 PM

To "eastlynnlakecomments@blm.gov"  
<eastlynnlakecomments@blm.gov>

cc

bcc

Subject

- |        |   |
|--------|---|
| C 35.1 | The leasing of the mineral rights in wayne county will be very beneficial to the communities in the surrounding areas, providing many jobs and hundreds of thousands of dollars in taxes going to schools and throughout the community. |
| C 35.2 | With modern mining technologies there will be minimal environmental impact. Help end our depedance on foreign oil. Its good for Wayne country, its good for West Virginia, its good for America.  |
- Dont listen to all of the tree hugging liberal lunatics.

MINE HERE, MINE NOW!

Brad Maggard  
Eastern Kentucky University  
Fire and Safety Engineering Administration  
606-831-3831

## C36



To EastLynnLakeComments@blm.gov  
cc  
bcc  
Subject In Support of East Lynn Lake Lease Proposal

As a former resident of the tri-state region with substantial experience in the mining industry, I would like to express my support for the East Lynn Lake lease proposal submitted to the BLM by Argus Energy and Rockspring Development.

C 36.1

C 36.2

C 36.3

familiarity with underground mining and reclamation methods (and the extensive planning outlined in the draft LUA/EIS and required by the subsequent permitting process) allow me to say with confidence that any effects on the lake will be managed and mitigated in order to ensure maintained flood control potential and recreational opportunities for generations to come.

Sincerely,

Annie Maggard  
Anthropology Department, Colorado State University

1800 Crestmore Place  
Fort Collins, CO 80521  
(606) 232-7021



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for the East Lynn Lake Coal Lease

C37



"Edgar Jackson"  
<ejackson1@verizon.net>  
11/10/2008 01:24 PM

To <EastLynnLakeComments@blm.gov>  
cc  
bcc  
Subject

I OPPOSE the proposal to lease the public land around East Lynn Lake for mining. Following are just a couple of reasons:

C 37.1	This would undoubtedly lead to contamination of water supplies.
C 37.2	High potential to cause damage to a beautiful lake that is now used for fishing and recreation which was part of the reason for spending millions to build.
C 37.3	The ethical issue regarding people being asked to give up their property in the 1960's for the reason of flood control, water quality and recreation. My family home was one piece of this property. Property owners were given only a small price for their property, yet it looks like (according to the Herald Dispatch 8-31-08 article) that Columbia Gas made millions on the mineral rights.

Patricia A. Jackson  
1000 Jessie Lane  
Milton WV 25541-9550

Final Land Use Analysis and Final Environmental Impact Statement  
for the East Lynn Lake Coal Lease

C38



pastormikeswife@aim.com  
11/10/2008 12:50 PM

To EastLynnLakeComments@blm.gov  
cc  
bcc  
Subject

Deloris Dillon  
Rt. 1 Box 1397  
Wayne, WV 25570

C 38.1 My name is Deloris Dillon and I'm a citizen of Wayne County. I once resided in the area of the lake. The government bought our property and we had to move in 1968. The dam was built for flood control, but our property was bought for the purpose of recreation surrounding the lake, and was supposed to be protected from coal mining by the Corps of Engineers.

The lake was created by the Corps for flood control and recreation, not for companies to come in and mine around and possibly damage the lake. If the land is mined on, it will do more than destroy the surface, but underground also. In years to come, we don't know what the damage from the mining will be.

C 38.2 I'm also concerned how this mining will destroy the beauty of the property, which was set aside for recreation, around the entrances to the deep mines.

C 38.3 We also don't how the mining will affect the water table. The proposal says that mining might even take place within 200 feet of the lake, which is way too close to be doing mining near a lake. Will that small space of earth and coal hold back contaminated underground water from seeping into the lake itself?

C 38.1 cont. Finally, I feel it's wrong that my family didn't have choice in moving from the land that was bought by the Corps of Engineers. The land and later the mineral rights were bought to protect the area around the lake from coal mining. Now, it is not fair at all that large companies will be able to make a profit from the land and minerals that my family didn't have a choice in selling.

For all these reasons, I ask the Bureau of Land Management to not approve the leases for underground mining around East Lynn Lake.

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C39

BLM-ES Milwaukee Field Office  
Attn: Chris Carusona  
626 E. Wisconsin Ave., Suite 200  
Milwaukee, WI 53202.

November 10, 2008

My name is Sara Pennington and I am a native of Wayne County, West Virginia, having lived there most of my life. I currently live 1 ½ hours away in the coalfields of eastern Kentucky. In 1968 my family was displaced from their farm for the building of the East Lynn Lake Dam; this is an action my grandfather regretted the rest of his life.

I am writing to oppose the proposed leasing of public lands around East Lynn Lake for coal mining. I have a few concerns.

C 39.1	1) I am concerned about the effect on water quality by the proposed mining. The plan to mine within approximately 200 feet of the lake itself and within a little over 1500 feet of the dam is ill-advised. As a resident of the coalfields of Kentucky, I know how common blow-outs from underground mines are, even when the best precautions are taken. Not
C 39.2	only is this an environmental concern, but an economic one: protecting the waters of East Lynn Lake will insure future recreational use of the Lake. Even the Corp of Engineers, the surface manager of the area, believes that "significant long-term adverse impacts are expected to result from the proposed action."
C 39.3	2) I am concerned about the ethics of this process. \$37 million of federal money was used to purchase the land for the Lake prior to 1968 and \$55.5 million was later spent to buy the mineral rights under that land to protect it from coal mining. To turn around and lease those rights to other entities—without the consent of the original property or mineral owners—is unethical. It is a slap in the face to those who moved and sold when they didn't want to move from or sell the land they cherished. Additionally, they were robbed of the opportunity to profit from leasing the rights and/or the land.
C 39.4	3) I am concerned that the leasing of these public lands for underground coal mining will set a bad precedent, leading to a push for future approval for surface mining by the coal companies in 10 – 15 years or so when they expect the underground coal supplies to be exhausted. Such possible surface mining will surely ruin the waters of the Lake and downstream watershed as run-off leaches heavy metals such as arsenic and selenium. While I acknowledge this is only a concern about a hypothetical situation, I believe it is the Bureau's duty to prevent this slippery slope (both metaphorically and literally) by protecting these lands from all forms of coal mining.

In short, I do not believe the potential degradation of water quality and other impacts on the environment warrant the leasing of previously protected public lands to private entities who will profit from the lease with little return back to the community, especially when community members themselves were denied the opportunities for such profit. For these reasons, I oppose the leasing of the public lands surrounding East Lynn Lake

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C39

in Wayne county for coal mining.

C 39.5 I thank you for the opportunity to make these comments, and I would appreciate a copy of the decision sent to the following address.

Sara Pennington  
PO Box 803  
Hindman, KY 41822



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for the East Lynn Lake Coal Lease

C40



Bruce Leavitt  
<bkleavit@bellatlantic.net>  
11/10/2008 06:37 AM

To EastLynnLakeComments@blm.gov  
cc  
bcc  
Subject Comments of B R Leavitt

Dear Mr. Carusona:

Thank you for accepting these comments, the electronic format is greatly appreciated.

Attached to this E-mail are my comments and a reference document that I used in formulating these comments. I hope that you find both to be useful.

Sincerely,

Bruce R. Leavitt



Comments of Mr. Leavitt.docx outcropbarman2007.pdf

Final Land Use Analysis and Final Environmental Impact Statement  
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C40

Comments of:

Bruce R. Leavitt

Consulting Hydrogeologist

on the

East Lynn Lake Draft LUA/Draft EIS

Submitted to:

Chris Carusona

Bureau of Land Management-Eastern States

Milwaukee Field Office

262 E Wisconsin Ave Suite 200,

Milwaukee, WI 53202

e-mail: EastLynnLakeComments@blm.gov

November 10, 2008



C40

### Introduction

My name is Bruce R. Leavitt. I am a consulting Hydrogeologist in private practice with 35 years experience in mining and coal mine hydrology. I hold Professional Engineer and Professional Geologist registrations in the Commonwealth of Pennsylvania. As part of my practice I have worked on barrier pillar stability and barrier pillar leakage, some of this work is cited in the Draft LUA/Draft EIS (McCoy, Donovan, and Leavitt 2006) (Leavitt, B.R. 1999).

I have been ask by Argus Energy to review and comment on the East Lynn Lake Draft LUA/Draft EIS focusing on the proposed outcrop barrier pillars, and their adequacy. My findings support the issuance of the Final LUA/EIS.

### Outcrop Barrier Pillars

Concern has been raised over the adequacy of the outcrop barrier pillars contained in the East Lynn Lake Draft LUA/Draft EIS. On page 5 of the East Lynn Lake Draft LUA/Draft EIS the proposed outcrop barriers are defined.

The Applicants also propose to maintain a 200-ft barrier around East Lynn Lake, a 100-ft protective barrier in the vicinity of coal outcrops, and to avoid mining wherever overburden thickness is less than 100 feet.

C 40.1

The three criteria stated above are interactive. For example: if the operator wishes to mine to 100 feet of the outcrop, as allowed in the definition, he must also satisfy the 100 foot overburden requirement. Where the hillside slopes are less than 45 degrees, as they are in most locations, the operator will have to leave more coal in the barrier in order to satisfy both criteria. Similarly, if the operator wishes to mine to the 100 foot width, but that location is within 200 feet of the lake as defined by the 701 foot elevation then the operator must respect the 200 foot limit. The 200 foot limit on mining is frequently even more protective than it appears because the summer pool elevation is 662 feet. Assuming a 1:1 surface slope and the coal outcrop at the summer pool elevation then the barrier thickness would be 239 feet. At a 2:1 slope the barrier would be 278 feet thick. At some locations these criteria result in outcrop barrier pillars that are 350 to 430 feet thick as shown on Argus Energy WV, LLC's map entitled BLM Aerial Mapping 1-model.

Modes of outcrop barrier pillar failure and methods of barrier pillar design are presented in a 2007 publication by the Office of Surface Mining Reclamation and Enforcement (OSM). This publication is entitled "Outcrop Barrier Design for Above Drainage Coal Mines", Kohli, Kewal; and Block, Fred. This author assisted in the early work on this publication. (a PDF of this document is transmitted with these comments)

One of the key findings contained in this guidance manual refers to the use of the "Rule of Thumb" method of outcrop barrier pillar design.

Mining experts agree that this method provides an adequate barrier. It is easier to use than a site specific method and is inexpensive. Recent blowout investigations have revealed that, in all cases examined, Rule of Thumb designed barriers were adequate; the blowouts occurred from causes discussed in this manual.



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The Rule of Thumb method is a formula where the width (W) of the barrier in feet is calculated to be the sum of 50 and the anticipated hydrostatic head.

$$W = 50 + h$$

Assuming worst case conditions this formula can be applied to the proposed Argus Energy Lease tracts. In Argus tract A the highest elevation in the mine is 710 feet and the lowest outcrop elevation is 680 feet. Hence a maximum of 30 feet of hydrostatic head is possible assuming the mine fill up completely. Using the Rule of Thumb method the outcrop barrier should be 80 feet thick. At the point of maximum head the proposed barrier pillar is 240 feet thick, more than adequate. In the Argus C tract, the mine full head is 740 feet, and the outcrop elevation is 680 feet yielding a potential head of 60 feet and a needed barrier width of 110 feet. At the point of highest head in the mine the proposed barrier is 270 feet, again more than adequate. In Argus tract B the highest elevation in the mine is 880 feet and the lowest outcrop elevation is 670 feet yielding a head of 210 feet. In this case the Rule of Thumb formula yields a barrier width of 260 feet. The proposed barrier width at this location is 270 feet again more than adequate.

C 40.2

The barrier pillars proposed for the Argus Energy tracts are more than adequate as defined by the Rule of Thumb method under maximum potential head conditions. However, these maximum conditions are unlikely to be realized. As part of the mining process, portals will be established to access the coal reserve. Upon completion of mining these portals will be equipped with wet seals that will allow water to drain from the mine should the water level in the mine rise to the elevation of the wet seal. This may lower the maximum pool elevation to the level of the wet seal. The portal for tract A will be at 713 feet, the tract B portal will be at 750 feet, and the tract C portals will be at 740 and 730 feet. Recalculating the barrier width using these portal elevations Tract A head rises 3 feet and the required barrier width increases to 83 feet providing a factor of safety of at least 2.89. The tract C head rises 10 feet to a total of 70 feet. The calculated barrier pillar width increases to 120 feet yielding a safety factor of at least 2.25. The portal elevation for tract B would have reduced the potential head by 150 feet to 60 feet except that there is an intervening anticline. Because of this anticline, the maximum potential head is only reduced by 40 feet to 170 feet. The resulting required barrier pillar is reduced from 260 feet to 220 feet yielding a safety factor of 1.23. In all cases, the proposed barrier pillars exceed the design requirements using the Rule of Thumb method. In Tract B it would be possible to lower the potential head even further by installing a pressure relief borehole to control the maximum head in the mine.

Water inflow to the existing Argus Energy mines is known to be very low. As a result, the water level in the proposed mines will rise very slowly. Given the large length of outcrop barrier pillar located above the normal summer pool elevation it is highly likely that the water in the mines will never rise to the elevation of the wet seals at the mine portals. Instead, a dynamic equilibrium will be established between ground water inflow to the mine and water leakage through the coal barrier. The elevation of this dynamic equilibrium will control the maximum head that will be applied to the barrier. This elevation will probably be lower than the wet seals resulting in an even greater factor of safety for the barrier pillars.

Thus far, this barrier pillar analysis has been focused on a buildup of water in the mine placing outward pressure on the barrier pillar and the adjacent rock units. This is the most likely mode of failure because the hydrostatic pressure must be resisted by rock units that are in tension with decreasing structural integrity as you move from the mine to the land surface. It has been suggested, that high lake levels may also be a potential mode of barrier pillar failure. This is an extremely unlikely possibility for several reasons:

C 40.2 cont.



C40

1. Under rising lake level the barrier pillar will be placed in compression with ever more competent rock behind the weaker weathered surface layer;
2. There is a very small exposure of barrier pillar below the 701 elevation that could be exposed to this risk;
3. The potential external head against barrier would be a maximum of 31 feet compared to potential internal heads of 33, 70, and 170 feet;
4. In the 39 years of operation of East Lynn Lake the maximum recorded water level was 684 feet resulting in a maximum external head of 14 feet for a brief period of time;
5. Once the mines are closed and flooded, a rise in lake level will be offset by the water level in the mine thus reducing or eliminating any potential impact.

C 40.2 cont. Based on this analysis barrier pillar failure, from the lake to the mine, due to high water levels in East Lynn Lake is unlikely in the extreme.

#### Lineaments

Mr. Mortino, a commenter at the July 31, 2008 public hearing, has expressed concern that the lineaments identified in the Draft LUA/Draft EIS may indicate zones of weakness that may compromise barrier pillar integrity. In his testimony he stated:

It (the proposed barrier pillars) ignores the potential influence of fracture systems that are related to the lineaments. There are over a dozen lineaments that show up on satellite imagery that indicate fracture systems transecting these areas going across the lake. This would tie the water in the lake to the areas opened up for mining in a way that wasn't really explained or accounted for.

The Draft LUA/Draft EIS contains a lineament map, Figure 3.1-5. The source of this map is not clear, but it has many features in common with a map entitled Landsat Liner Features of West Virginia, Reynolds, James H. 1979, published by the West Virginia Geologic and Economic Survey, Map WV-7. This map contains the following "Explanation"

This map shows linear and curvilinear features observable on Landsat images. The term linear feature carries no generic connotation and indicates only that an apparent straight or curved line exists on the satellite image. In this regard, the map must be considered a preliminary effort. Additional analysis of remote-sensing images and photography, coupled with on-site geological investigation, will clarify many of these features.

The primary source of information has been from numerous winter and spring Landsat images. These were investigated at scales of 1:1,000,000, 1:250,000, and 1:87,000. Both false-color composites and black-and-white Band 7 (near infrared) images were used. In some cases, additional information was obtained from NASA high-altitude color-infrared photography and USGS panchromatic photography.

Lineament mapping can be a useful tool in water supply development particularly at the intersection of two lineaments. However, the interpretation of mapped lineaments without field



C40

verification of their existence is extremely risky. It cannot be assumed that because a lineament appears on a map that it represents a fracture system. Cultural features such as fences, power lines, and pipelines are often identified as linear features. This problem is more pronounced when the source imagery is of low resolution because the cultural feature cannot be resolved in its narrow dimension but can be resolved in its long dimension.

On November 5, 2008 a field reconnaissance was conducted of the two lineaments that cross the Rockspring tract E and onto Argus tract C and Argus Tract A. This author and Randy Maggard were present. The site was accessed by driving west along Kiah Creek from the confluence of Hurricane Branch. The location of the lineament was identified from the topography. At this location two gas pipelines were observed oriented in the same direction as the lineaments and with the appropriate spacing. We then traveled up the East Fork of Twelvopole Creek and observed the same gas pipelines crossing the creek where the lineament map indicates the lineament crossing. We continued along Milam Creek where the map shows a lineament paralleling the road. We observed that one of the gas pipelines parallels the road. Based on these observations, the preliminary conclusion is that these two lineaments are in fact gas pipelines and hence do not represent a risk to barrier pillar integrity. Given the large number of gas pipelines in the area it is probable that many of the mapped lineaments are in fact pipelines or other cultural features.

In Mr. Mortino's testimony he goes on to say:

I would like to see those lineaments examined more closely to see if there are actually fracture systems there and how those are taken into account in looking at it, whether this is something that is safe enough to do.

C 40.3

I concur with this assessment. Field reconnaissance has shown that some, possibly all, of the mapped lineaments are actually not fracture systems. All of the mapped lineaments need to be field verified. However, this is a task that is more properly done under the mine permitting process. The barrier pillar analysis above has shown that the proposed barriers are sufficiently robust for most conditions. If an anomaly is identified, the integrity of the barrier can be assured by a local modification to the mining plan. This modification could be to provide a thicker barrier in the area of concern, or it could be to provide a pressure relief borehole to limit the amount of head against the barrier. Site specific barrier pillar analysis, as provided for in the "Outcrop Barrier Design for Above Drainage Coal Mines" guidance manual from OSM, would be brought to bear at the mine permitting level.

Inflow from the lake to the mine via a lineament is not a significant concern on the Argus tracts. Tract A is almost entirely below elevation 701 and could be affected by the lake level however, the two lineaments that would provide that connection have been eliminated because they are pipelines. Tract B is almost entirely above elevation 701 and hence could not receive inflow from the lake. The portion of Tract B that is below elevation 701 is also above elevation 660-670. The summer pool elevation of East Lynn Lake is 662, and the winter pool elevation is 656. Hence, under normal operating conditions there is little to no potential for inflow from the lake into Tract B. Tract C is approximately 2/3 below elevation 701 and about 1/3 below elevation 660. The two lineaments that had the potential to provide lake water to this tract were eliminated as potential fracture systems when they were identified as gas pipelines.



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## C40

### Conclusions

C 40.4	Analysis of the proposed barrier pillars for the Argus Energy Lease Tracts A, B, and C show that under normal conditions the barriers are adequate using the Rule of Thumb method. Barrier pillars designed using Rule of Thumb method have not experienced failure in those barrier pillar failures that have been studied.
--------	--

The Lineaments identified on Figure 3.1-5 have not been field verified. Two lineaments that were field checked were found to be pipelines. Field verification of lineaments is recommended as part of the mining permitting process. Should fracture systems be identified, the effect of these systems on barrier pillar integrity should be evaluated according to the site specific methods contained in the OSM barrier pillar guidance manual. This site specific analysis is best performed by the mining regulatory authority during the mine permitting process. Inflow, from the lake to the mine is very unlikely due to the elevation of the coal, and the absence of lineaments where the coal is below lake level.

C 40.3 cont.
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for the East Lynn Lake Coal Lease

C41



JOHNNY & VERENIA  
ABBOTT  
<vcabbott@hotmail.com>  
11/24/2008 05:59 AM

To: <eastlynnlakecomments@blm.gov>  
cc  
bcc  
Subject: 13,089.55 Acres Coal at East Lynn Lake

To: Christopher Carusona  
From: Verenia C. Abbott- Resident Stakeholder- Cove Gap/Kiahsville, WV Community  
(304) 849-2550

- C 41.1 Our community requests you come to a local church (perhaps Cove Gap UB Church established in 1872 and conduct a community meeting with our people to include representatives from Argus and Rocksprings prior to approving this matter)

Dear Sir:

- C 41.2 Many residents in this community are extremely upset regarding the environmental impact the extraction of the vast natural resources we have been subjected to. For instance, the noise, increased traffic and primarily the depletion of our most valuable natural resource, our drinking water supplies.

- C 41.3 Currently, our neighborhood populated with families spanning over several generations are reduced to surviving from potable water tanks because our wells have been depleted. Our nearest city water supply is at the East Lynn Fire Department, which is 13 miles from our community.

One 70 year old resident hauls a smaller water tank on his tank and goes about the neighborhood filling his neighbor's tanks so they can flush their toilets and brush their teeth.

Having already suffered dearly, we need reassurance the coal companies are going to work along side our communities and easing the environmental impact and giving back to the communities from which they extract our valuable natural resources.

We have requested Argus and Rocksprings assist us in obtaining city water service to the replace the water that was depleted from our citizens. Rocksprings has agreed to contribute \$75,000 and Randall Maggard, Argus representative advised we should seek assistance from our local, state and federal agencies.

- C 41.4 Please consider the citizens of our wonderful community. Many families have been in the area for nearly two centuries. Many families sold their mineral rights for only \$100 per acre. While others were forced to leave their homes and lost their mineral rights through eminent domain when the East Lynn Lake Flood Control Project was instituted. This community has given so much to industry, country, state and county.

- C 41.5 Also, WV Department of Environmental Protection just completed Total Maximum Daily Load studies in the Camp Creek =Twelve Pole Subsidiaries and it seems the results are that metal content from mining operations seeps in the little well water remaining and most likely contaminates our streams and the wildlife that live in our streams. ( 8 out of 10 streams studied resulted in the highly contaminated metal content)

Please protect our environment so our families can survive in their beloved community.







**ATTACHMENT J-2**  
**PUBLIC HEARING DOCUMENTS**

February 2009

**BLM—Eastern States Milwaukee Field Office**







# PUBLIC HEARING TRANSCRIPT

**BLM—Eastern States Milwaukee Field Office**





PUBLIC HEARING  
DRAFT EAST LYNN LAKE COAL LEASE LAND USE  
ANALYSIS/ENVIRONMENTAL IMPACT STATEMENT  
(DRAFT EIS)

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

July 31, 2008

Wayne City Hall

Wayne, West Virginia

Reported by: Michele G. Hankins  
Court Reporter  
Notary Public

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Michele G. Hankins  
PMB 729 Ninth Avenue #129  
Huntington, West Virginia 25701-2718  
(304) 654-3745



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12 The public meeting regarding the Draft

13 East Lynn Lake Coal Lease Land Use Analysis/Environmental

14 Impact Statement (Draft EIS) conducted by the United

15 States Department of Interior Bureau of Land Management

16 Milwaukee Field Office, before Michele G. Hankins, Court

17 Reporter and Notary Public in and for the State of West

18 Virginia, on the 31st day of July, 2008, at 7:00 p.m.

19 The meeting was held at Wayne City Hall, Wayne,

20 West Virginia.

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1 PROCEEDINGS

2 MR. TERRY LEWIS: Thank you all for coming

3 out this evening.

4 This public hearing is called to order.

5 The time is 7:02, on July 31, 2008.

6 This hearing is to solicit comments on the

7 Draft East Lynn Lake Coal Lease Land Use Analysis/

8 Environmental Impact Statement. Also called the

9 Draft EIS.

10 A limited number of copies of that

11 document are at the sign-in table back there. So if

12 you would like one, please pick one up.

13 I am Terry Lewis. I am Chief of External

14 Affairs, with the Bureau of Land Management, eastern

15 states. I work in Springfield, Virginia and I am

16 the hearing official for this evening.

17 It is important that you sign in, so that

18 your name and address will be entered into the

19 record. If you have not already done so, please

20 sign in before leaving.

21 Your comments will be recorded into the

22 record, along with your name and address.

23 This is a hearing, again, to solicit

24 comments on the Draft East Lynn Lake Coal Lease Land

1 Use Analysis/Environmental Impact Statement,  
2 therefore, no responses will be given to comments at  
3 this time.

4 These comments will be reviewed and  
5 analyzed after the end of the comment period, which  
6 is September 24, 2008.

7 Providing comments at this hearing, or by  
8 other methods listed in the notice for this hearing,  
9 will ensure that you are participating in the  
10 process of developing the East Lynn Lake Coal Lease  
11 Land Use Analysis and Environmental Impact  
12 Statement, and reserve your right to protest the  
13 approval of the Final EIS.

14 I would like to introduce several people  
15 at the hearing:

16 Michele Hankins, is here to officially  
17 record this hearing.

18 Mark Storzer, is the Milwaukee Field  
19 Office Manager.

20 In addition, from the Milwaukee Field  
21 Office and Bureau of Land Management, is  
22 Chris Carusona, the Planning Environmental  
23 Coordinator and the BLM Lead for this project.

24 Jeff Nolder, who is the Geologist, also



1 with the Milwaukee office.

2 Cooperating agency representatives who are

3 with us here this evening, from the U.S. Army Corps

4 of Engineers, Mike Smith.

5 West Virginia Division of Natural

6 Resources, Randy Kelly.

7 Representing Argus Energy LLC, is

8 Drew Short and Randy Maggard.

9 Representing Rockspring Development, Inc.,

10 Rockspring Development Incorporated, is George Smith

11 and Matt Vance.

12 The Bureau of Land Management, known as

13 BLM, is the Federal agency charged with the leasing

14 of the Federal mineral estate. Eastern States is

15 the BLM office that issues the federal coal leases

16 in the eastern United States.

17 BLM is responsible for preparing the

18 documents required by the Federal Lands Policy and

19 Management Act and the National Environmental Policy

20 Act.

21 The decision whether to approve the

22 proposal to lease the coal at East Lynn Lake rests

23 with the BLM State Director of Eastern States.

24 The preparation of the East Lynn Lake Coal

1 Lease Land Use Analysis/Environmental Assessment was  
2 led by the BLM, with the U.S. Army Corps of  
3 Engineers, Office of Surface Mining, West Virginia  
4 Division of Natural Resources as cooperating  
5 agencies.

6 The BLM-Eastern States mailed the East  
7 Lynn Lake Coal Lease Draft Land Use  
8 Analysis/Environmental Impact Statement, on  
9 June 18, 2008, to interested parties.

10 Public Notices requesting input on the  
11 Draft EIS and announcement of a public hearing in  
12 Wayne, were published in the Wayne County News,  
13 Wayne West Virginia, on July 11, 2008, and  
14 July 12, 2008, and in the Herald Dispatch in  
15 Huntington, West Virginia on July 13, 2008, and  
16 July 14, 2008 and on the East Lynn Lake Coal Leasing  
17 website.

18 Public comment period concludes, again,  
19 September 24, 2008.

20 This hearing is being conducted to solicit  
21 public comments on four things:

22 One, the proposal to issue two Federal  
23 coal leases.

24 Two, the proposed competitive lease sale.



1 Three, the fair market value of the

2 Federal coal.

3 Four, the maximum economic recovery of the

4 Federal coal and the tracts proposed to be offered

5 for lease.

6 Argus and Rockspring, the lease

7 applicants, propose to mine the federal coal by

8 underground methods from their existing adjacent

9 mining operations.

10 These applications request to lease

11 13,089.55 acres of Federally-owned coal tracts

12 underlying portions of the U.S. Army Corps of

13 Engineers East Lynn Lake Project area in

14 Wayne County, West Virginia.

15 The Federal tracts contain approximately

16 76 million tons of coal in-place, from the

17 Coalberg/Winifrede seam.

18 The applicants propose to remove the coal

19 by room and pillar underground mining as an

20 extension to their ongoing operations adjacent to

21 East Lynn Lake, with no mining under East Lynn Lake

22 or the dam.

23 The fair market value of the Federal coal

24 will be estimated by our economist and reviewed by a

1 sales panel using income capitalization and

2 comparable sales techniques.

3 If the decision is to lease the coal,

4 Argus' request of 7,639.63 acres and Rockspring's

5 request of 5,449.92 acres of coal tracts, would be

6 offered for lease on a competitive basis with the

7 highest acceptable bonus bid determining the lessee.

8 As explained in the Code of Federal

9 Regulations, 43 CFR 3422.1(c)2, "In no case shall

10 the minimum bid be less than \$100.00 per acre or its

11 equivalent in cents-per-ton."

12 If the decision is to lease the coal, a

13 Federal Register Notice will be published to

14 announce the date, location and procedures for the

15 competitive sale. The lease sale would be held in

16 Springfield, Virginia.

17 In addition to the bonus bid, an annual

18 rental fee of \$3 an acre and a royalty rate of 8%

19 per ton, would be paid. Seventy-five percent of all

20 bonus, rental and royalty payments would be paid to

21 the state of West Virginia.

22 For those of you who wish to comment on

23 the proposal to issue a Federal coal lease, the

24 proposed competitive lease sale, the fair market



1 value of the Federal coal, the maximum economic  
2 recovery of the Federal coal and the tracts proposed  
3 to be offered for lease, or the Draft EIS, we ask  
4 that you give your name and the name of any entity  
5 you represent.

6 I have here the list that you all signed  
7 up at the front desk and we will just go down that  
8 list for whoever signed up first, to the end.

9 If at the end of that, there are other  
10 people in the audience, or who have come in later  
11 would like to speak, they will have a time when  
12 these folks are finished.

13 I would ask that you keep your comments to  
14 about five minutes and at four minutes, I will  
15 indicate that you will have about a minute to  
16 conclude your remarks.

17 I would ask that if you are comfortable to  
18 use that table, there is a chair there as well, and  
19 that way you will be nice and close to the court  
20 reporter so that we can get your comments down.

21 If you wish to leave a written copy of  
22 your verbal comments, please do so and comments  
23 previously provided by the public, do not need to be  
24 repeated at this time.

1 With that, again, I would ask that you  
2 speak there and please speak up, we don't have a  
3 microphone in the room, but the acoustics here are  
4 very good.

5 The first speaker who signed up is  
6 Gerald DeBoar.

7 MR. DeBOUR: I will pass at this time.

8 MR. TERRY LEWIS: Thank you, Mr. DeBour.

9 The next person who signed up was Ron Mortino.

10 MR. MORTINO: Should I state my name and  
11 affiliation before I start?

12 MR. TERRY LEWIS: If you would, please.

13 MR. MORTINO: If I need more than five  
14 minutes, is there a way I can submit comments  
15 written?

16 MR. TERRY LEWIS: Absolutely. Please do.

17 MR. MORTINO: I am a professor from  
18 Marshall University, Department of Geology.

19 I have reviewed the EIS and I have several  
20 concerns that I would like addressed.

21 First of all, the mining is extremely  
22 close to the edge of East Lynn Lake. There is a  
23 200-foot barrier that is being proposed. It is  
24 based on various assumptions about the integrity of



1 the rock and the hydraulic conductivity of the coal.

PH 1.1 2 It ignores the potential influence of  
3 fracture systems that are related to the lineaments.  
4 There are over a dozen lineaments that  
5 show up on satellite imagery that indicate fracture  
6 systems transecting these areas going across the  
7 lake.

8 This would tie the water in the lake to  
9 the areas opened up for mining in a way that wasn't  
10 really explained or accounted for.

11 I would like to see those lineaments  
12 examined more closely to see if there are actually  
13 fracture systems there and how those are taken into  
14 account in looking at it, whether this is something  
15 that is safe enough to do.

16 My second concern has to do with the  
17 influence of the mined area on the groundwater  
18 system.

PH 1.2 19 There are water wells that have been  
20 drilled to depths of 125 feet, yet it's indicated  
21 that coal will be extracted with the overburden  
22 being a little over 100 feet thick.  
23 So it is pretty clear that there is  
24 potential for places where their coal is going to be

PH 1.2 cont.

- 1 mined where it will impact the groundwater system
- 2 and it will impact the direction and the rate of
- 3 flow within those aquifers and the water in some of
- 4 them.

- 5 It may be that you have to account or
- 6 allow for more overburden to protect the aquifers
- 7 that might be impacted.

PH 1.3 8 There are reports that the selenium levels  
9 are pretty high in the Coalberg analysis of the  
10 stock of the Five Block.

- 11 I didn't see any information, other than
- 12 maybe sulfur and iron contents, in the geochemical
- 13 information.

PH 1.3 cont.

- 14 Is the selenium level for the coal and the
- 15 rocks immediately adjacent to it known in the permit
- 16 area?
- 17 And are there problems with selenium
- 18 levels in the streams that are coming out of those
- 19 mined areas now that could be worsened by opening up
- 20 these new areas of mining?

- 21 Selenium is a health hazard and one of the
- 22 trace elements of coal that is being tracked right
- 23 now.

- 24 Finally, I would like to just really ask



PH 1.4 1 the question, on page three of the EIS statement, it  
2 is pointed out that the U.S. Army Corps of  
3 Engineers, bought up coal in the East Lynn Lake  
4 project areas to -- basically, bought it up, I  
5 think, at a cost -- it was something like  
6 \$59 million -- to protect the project area because  
7 of the potential impact on the integrity of the dam,  
8 the reservoir, and the land service.

9 That was, perhaps, 10 or 15 years ago.  
10 The geology has not changed. They were concerned  
11 about the impact that this could have and I would  
12 like to know what is different now?

13 Aren't these threats still there, that the  
14 Corps of Engineers was taking into account of why --  
15 is there less of a threat now than there was before?

16 I don't see how there could be. I feel  
17 the same concerns are probably still there, it is  
18 just a different agency that has now got the call on  
19 whether this goes through.

20 So I would like to see some answers to  
21 these.

22 Thank you.

23 MR. TERRY LEWIS: The next speaker is  
24 J. Elaine Mortino.

PH 1.5, see page 36

PH 1.6, see page 37-38

1 MS. MORTINO: My name is Elaine Mortino.  
2 I am not personally opposed to coal mining  
3 on public land, but I have reviewed portions of the  
4 EIS and I do have some concerns, most of which my  
5 husband has already voiced.

PH 2.1 6 I note here that between 1977 and 1991,  
7 the U.S. Army Corps of Engineers spent \$57 million  
8 securing the coal rights of this property and they  
9 did so on page three, because of the potential  
10 concern of the integrity of the dam, the reservoir  
11 and the land surface.

12 The mine project will take 10 to 15 years,  
13 the life of East Lynn Lake, is projected to be 100  
14 to 200 years.

15 So my concern is that \$57 million was  
16 spent by the Corps to protect this.

17 In addition to what my husband has said,  
18 will \$57 million be paid back to the Corps?

19 Will this money be paid back to the  
20 Federal government? This is our tax dollars, so  
21 will there be recovery of that money?

22 Will there be money set aside -- in  
23 addition to the regular permitting bonds that are  
24 posted by the coal company -- will there be



PH 2.1 cont.

- 1 additional money set aside to protect the
- 2 environmental impact?

PH 2.2 3 As to mine drainage, are you going to

- 4 drain it into the lake, what may be draining from
- 5 this project because the mining is so close to the
- 6 lake level.

- 7 If this happens, what monies will be set
- 8 aside to protect, not only the integrity of the dam,
- 9 the reservoir, the land surface from the sides, too.

10 But also nothing has been said about the

PH 2.2 cont.

- 11 town of Wayne. Our water resource here at the town
- 12 of Wayne is Twelve Pole. If we lose that dam, then
- 13 we can have a potential interruption of our water
- 14 resource here in Wayne and I would like to have that
- 15 addressed.

- 16 What about down drainage with little
- 17 companies or little towns that use Twelve Pole as a
- 18 water resource? I would like to have that

19 addressed.

- 20 What monies will be set aside to protect
- 21 the community and the lake?

PH 2.3

- 22 Also, I have noted in here that in 1991,
- 23 there was passage of a particular bill that took the
- 24 Corps out of the final approval of this project and

PH 2.3 1 gave it to the Bureau of Land Management because the  
2 Bureau of Land Management was more receptive to the  
3 permitting. I would like to know what does that  
4 term mean? I am interested in what that means,  
5 also.

6 This is important to me and my family. We  
7 own a family farm downstream from East Lynn Lake.

8 A lot of people gave up their property,  
9 they were forced to, for the dam project, for flood  
10 control and it has done a very good job of flood  
11 control. My father's farm is not nearly as flooded  
12 as it once was.

13 People gave up their farms up at East Lynn  
14 for that and I would hate very much to see that  
15 destroyed by a mining project.

16 I think it can be done in a very

PH 2.4 17 responsible manner, but I am concerned about this  
18 100-foot mining up to the lake's shore, because of  
19 the natural fracture systems and lineament, I don't  
20 think it will protect the lake and I don't think  
21 enough has been done in the EIS.

PH 2.5 22 I would also like to seek the right for  
23 the public comment period extended another 180 days.

24 Thank you.



1 MR. TERRY LEWIS: Thank you.

2 The next speaker who signed up,

3 Joe Stanley.

4 MR. STANLEY: First of all, I would like

5 to make sure that I get copies of all the minutes

6 and copies of all the sign-up sheets.

7 I am getting started in this a little bit

8 late, so I just don't think there has been enough

9 airing of the laundry here.

10 I am not a geologist, I am not a mining

11 engineer, but I do know about coal mining. I worked

12 at Marrowbone Development Company and we have worked

13 in the Coalberg seam.

14 I am a certified underground coal miner

15 and a certified surface coal miner and I have

16 attended the MSHA Academy in Beckley.

17 I am familiar with roof plans, roof

18 support plans, pillar plans, temporary roof

19 supports. I have got basically almost 20 years of

20 experience.

21 Here is what we have got guys, we have

22 pages in a book, I don't know how many pounds this

23 is, but this is heavy reading.

24 It is my understanding that all of this

1 information was prepared by a contractor who was  
2 paid by the coal companies. Now if I am incorrect  
3 on this, somebody can correct me.

PH 3.1

4 According to this chart up there, this  
5 contractor was selected and paid by the coal company  
6 to prepare this information and I read this thing  
7 from cover to cover and I underlined a lot of things  
8 in it and the most commonly used word in this entire  
9 document is not expected to occur, not expected to  
10 happen, not expected to impact.

11 I have been in the coal mines, and let me  
12 tell you, Murphy's Law, applies to the coal mining  
13 industry. If something can go wrong in the coal  
14 mines, it will.

15 In 2006, in the state of West Virginia,  
16 there were 1,039 lost-time accidents in the state of  
17 West Virginia. Now I will bet you anything those  
18 guys didn't expect to get hurt because the companies  
19 and everybody else was following the mine plans to  
20 the letter.

21 So, guys, I feel these companies have had  
22 five years to work on this information, at least,  
23 and I really appreciate these two people, the  
24 Mortinos, for -- and I don't know these people --



1 but I am really glad that we have a geologist to  
2 help us sort through here because I have a list of  
3 questions and I think I still have enough time to  
4 read these and these are things that we would like  
5 to have as a citizens' group, have answers in  
6 writing.

7 We have also contacted the Bureau of Land

PH 3.2 8 Management, I have personally, and we have requested  
9 an additional 90-day comment period in writing.

10 We have also contacted our congressman,  
11 Nick Rahall, because I agree with the other two

PH 3.3 12 witnesses before me, why would the Corps of  
13 Engineers spend \$51 million to secure the coal  
14 rights only for this project and then have that  
15 authority be stripped from them and turned over to  
16 the Bureau of Land Management.

17 Now I have tried to contact the Corps and  
18 I have never received a phone call back from them.

19 So I contacted Mr. Rahall and I asked him  
20 to provide for me, before this 90-day comment period  
21 was up, any study, any analysis, any plan that was  
22 the reasoning or the logic for the Corps' no-mine  
23 position for over 20 years of management.

24 I have not been provided with that and I

1 will ask now on the record that the comment period

2 be kept open until I receive that information.

3 Now, we have fliers, most of you people

4 have it, I would like to read some of these things.

5 The lake is important to our state and our

6 county and we need more time and interaction with

7 officials and with the documentation to fully

8 understand this report and analysis.

9 We have contacted the Army Corps of

10 Engineers and the Bureau of Land Management, we have

11 also contacted Congressman Rahall.

12 We have attempted to participate and would

13 like to be involved in this agreement to the fullest

14 of our ability.

15 We request an extended comment period and

16 another meeting where we can ask questions and

17 present more informed input from the citizens'

18 perspective.

19 We are not here to keep this from being

20 mined. I am not against underground coal mining.

PH 3.4

21 We need more protective zones and

22 assurances that laws will be enforced so we can have

23 jobs and an economy here in the future.

24 We request that the data in this report,



1 be verified by an independent review.

2 We would like a written response to the

3 following issues regarding the East Lynn Lake

4 Environmental Impact Statement and loan agreement.

5 MR. TERRY LEWIS: Excuse me.

6 It has been four minutes, but do you have

7 an idea of how long it will be?

8 MR. STANLEY: I have a page and a quarter.

9 MR. TERRY LEWIS: Okay, well . . .

10 MR. STANLEY: Would anybody like to

11 forfeit their time to me?

12 MR. DeBOUR: I will.

13 MR. STANLEY: Is that acceptable?

14 MR. TERRY LEWIS: Sure.

15 MR. STANLEY: Thank you.

16 We are concerned for the lack of public

17 input in this decision. The volume and technical

18 nature of this document, makes it difficult for

19 effective and concerned citizens to participate in

20 the process.

21 Companies have professionals working on

22 this for more than five years, while the public only

23 has 90 days.

24 We request that the comment period be

1 extended to a minimum of 180 total days from the  
2 date of this hearing.

PH 3.5

3 We request that another meeting be  
4 coordinated by the Bureau of Land Management, to  
5 host a discussion between citizens, BLM, Army Corps  
6 of Engineers, Argus Energy and Rockspring. We have  
7 questions and clarifications that we would like  
8 explained to us.

9 We would also like other residents to have  
10 an opportunity to get more information on this  
11 situation.

PH 3.6

12 We are concerned about the potential  
13 subsidence and the threat to the integrity of the  
14 lake.

15 According to the subsidence report at  
16 Copley Cemetery regarding one instance of subsidence  
17 at Argus mine/Penn Coal.

18 The coal seam varied from 72 inches to  
19 14 feet. Too much coal or too much area was taken  
20 out and subsidence occurred.

21 In other words, a surface crack over  
22 100 feet long, 3-foot wide, 3-foot deep, under this  
23 current mining conditions that Argus is doing now,  
24 which is basically the same conditions that you are



1 going to allow them.

PH 3.6 cont.

2 This 100-foot overburden, is not nearly

3 enough overburden. It has got to be at least

4 200 feet.

5 If the subsidence happens near East Lynn

6 Lake, we are concerned that this could drain the

7 lake and affect wells that people rely on.

8 Our water is priceless. We need to

9 safeguard the water in the lake and the local wells.

10 This will help to protect the forest, the lake and

11 the well-being of those who will continue to enjoy

12 the land for generations to come.

PH 3.7

13 We request that a protective barrier of at

14 least 1,000 feet be maintained around the lake where

15 no coal is mined.

16 We request an overburden of at least

17 200 feet be maintained above any coal that is mined.

PH 3.8

18 We request that the BLM, determine the

19 probability of subsidence near the lake and report

20 on what core drills have been done.

PH 3.9

21 What was the distance between the core

22 samples that were taken and is this adequate given

23 the variation in the thickness throughout the coal

24 seam?

PH 3.10 1 We request that the BLM determine the  
2 probability of the quality of water in the lake  
3 being affected by this operation currently.

PH 3.11 4 We request that the EIS explain how the  
5 pillars, which will deteriorate over time, will last  
6 from 100 to 200 years, the lifespan of the lake.  
7 Go look in the coal mines. Go open up one  
8 that has been shut down for 25 years and see what  
9 they look like.

PH 3.12 10 We request that the BLM determine the  
11 probability of nearby water wells being dropped due  
12 to this operation.

PH 3.13 13 We request that a plan for water  
14 replacement be developed before this land is leased,  
15 in case anything happens to the water in this area.

PH 3.14 16 We are concerned about the lack of  
17 economic benefit this operation will have on  
18 Wayne County.  
19 The report states that there are no new  
20 hirings due to this operation, furthermore,  
21 one-third of the workers are from out of state.

PH 3.15 22 We are concerned for the water quality of  
23 East Lynn Lake. We request that the EIS report on  
24 the current water quality of the lake and how it



PH 3.15 cont.

1 will be potentially affected by this operation.

2 How is it already impacted by mining and

3 will those impacts increase and how will the pH be

4 impacted if mine cavities fill up and seep into the

5 lake?

6 MR. TERRY LEWIS: Again, Mr. Stanley, it

7 has been ten minutes.

8 MR. STANLEY: That's fine. You have a

9 copy.

10 MR. TERRY LEWIS: And we have that for the

11 record and it will be entered into the record.

12 Would you have any brief conclusions or

13 remarks?

14 MR. STANLEY: Guys, I am not into money,

15 but the Corps spent a whole lot of money on this

16 operation when they put it in there. They put it in

17 for a reason.

18 They had a no-mining clause for 20 years.

19 Somebody stripped this authority and we are trying

20 to find out who was the sponsor of this bill.

21 I would like in writing something that

22 says who sponsored this bill, when it was

23 introduced, who it was passed, and who are any coal

24 sponsors, because that seems to be undetermined

1 right now.

2 This only affects East Lynn Lake. It

3 doesn't affect any other Corps of Engineers'

4 properties throughout the nation.

5 Now I find this ironic that somebody puts

6 this bill in to just get the coal from East Lynn.

7 It's amazing.

8 And if you guys can read and understand

9 this, have at it, because this is a tough sled right

10 here.

11 Thank you very much and I would like to

12 discuss anything at anytime with anybody in this

13 room.

14 MR. TERRY LEWIS: Thank you.

15 MR. STANLEY: Thank you.

16 MR. MORTINO: Can I make a brief comment?

17 MR. TERRY LEWIS: How about we wait until

18 the end and we can get through this sign-up sheet.

19 Thank you.

20 Ruth Thayer.

21 MS. THAYER: I am here.

22 My main question has been addressed by

23 other people, so it would be duplicate at this time.

24 MR. TERRY LEWIS: All right. Thank you.



1 Beth Cade.

2 MS. CADE: I may repeat some of the things

3 that have already been said, but I am Beth Cade and

4 I live here locally.

5 My family, we have a farm downstream of

6 the lake.

PH 4.1

7 I also think that the public input process

8 has been sparse. I don't think the public has been

9 engaged in this at all.

10 My father and I attended a meeting last

11 year in March. Besides us, there was one other

12 person there and then everybody else was from either

13 an agency or a coal mine that they worked for.

14 So you had three people there at your

15 scoping meeting last year. That is not public

16 involvement.

PH 4.1 cont.

17 If you look in your own handbook at 6.9.1,

18 the BLM handbook manual for the National

19 Environmental Policy Act, it says, Make diligent

20 efforts to involve the public in preparing and

21 implementing their NEPA procedures.

22 Knowing your community well is the first

23 step in determining the interested and affected

24 parties and tribes.

PH 4.1 cont.

1 At that time I said, why don't you have a  
2 meeting in East Lynn? They have an elementary  
3 school, send out flyers with the kids. Have you had  
4 any involvement at all in that community?

PH 4.2

5 The people that live in that area, you are  
6 going to impact their water, not to mention the fact  
7 that the dam is there for a purpose, it is flood  
8 control.

9 If we lose that, then we have got all the  
10 flooding downstream again that we had back in the  
11 60's before they put it in.

12 I don't know how you can say that this has  
13 been going through the public process, it has not  
14 been.

PH 4.3

15 I strongly agree that you do another 60 or  
16 90-day extension and you have a meeting in the East  
17 Lynn Community, you advertise it, you get it out  
18 there. I know you put ads in the paper, but there

19 was no other effort beyond that.

20 Even in the public notice that was put out  
21 last year, you have a requirement in here that  
22 because of the workshop, those who attend should  
23 contact BLM by mail, or phone, and then you list a  
24 number here that was in Wisconsin. Well, how many



1 people are going to call long distance to Wisconsin

2 and say, hey, I want to attend a workshop in Wayne?

3 So again, I think the gentleman before me

PH 4.4

4 brought up a good point, how many other projects

5 does BLM have east of the Mississippi?

6 How many are you doing an Environmental

7 Impact Statement for east of the Mississippi, and

8 why just East Lynn?

9 So I think there are a lot of things and a

10 lot of concerns that we have that lake prevents

11 probably well over a million in damages each year

12 for flood control. A million dollars, plus, with

13 the rain events that we get each year, so I think

14 this is a valuable resource.

PH 4.5

15 That lake is going to be here a number of

16 years to come, long after the coal mining companies

17 have gone and we are going to be left to clean up

18 whatever is left behind.

19 I am not opposed to coal mining, I'm not.

20 My family, my brother, my sister, they work in the

21 industry. I just want us to realize what a valuable

22 resource we have in East Lynn Lake and protect it

23 and keep it safe so that we can enjoy camping and

24 hiking and all the things that we do there.

1 It is a valuable economic resource and I  
2 think that this is going to have a huge impact on it  
3 and the public needs to be involved.

4 Thank you.

5 MR. TERRY LEWIS: Thank you.

6 Patricia Feeney.

7 MS. FEENEY: I am not going to reiterate

PH 5.1 8 everything that has already been said, but I do want  
9 to request an extended comment period and a meeting  
10 with BLM, and the Army Corps of Engineers, and both  
11 the companies because the thing is, we have

12 questions, right?

PH 5.2 13 How is this going to impact the water?  
14 How is this going to impact the dam? Where are the  
15 safety measures? Some back and forth would be

16 really helpful instead of this rule that you can't  
17 respond.

18 It makes it really difficult when we have  
19 five minutes to say what we think -- I mean, nothing  
20 personal -- but to a wall.

21 Then, you have five years for everybody to  
22 come together and tell what you all want for the  
23 company and in the interest of people who are going  
24 to make a profit off of it.



PH 5.3

1 We want to make sure that the state and  
2 the county and the town are going to profit off of  
3 this, and will they still be safe.

4 So to extend the comment period, very  
5 important.

6 Meeting, very important.

7 The one concern that I want to throw out

PH 5.4 8 there that has not been mentioned yet in terms of  
9 safety is the DEP is more than four years behind on  
10 reviewing discharge monitoring reports.  
11 So once this mining operation starts, what  
12 does that mean for the quality of the water in the  
13 area?

14 That was unveiled in January of this year  
15 when the EPA came in and sued one company and that  
16 was just one company and we missed out on  
17 \$2.4 billion in back fines. \$2.4 billion dollars  
18 that this state will never see. Not that money can  
19 really make up for lost water and other natural  
20 resources.

21 We need our natural resources. So what  
22 can the Bureau of Land Management, Army Corps of  
23 Engineers, do anything to make up for it, or to  
24 ensure or to bring extra inspectors in, or help the

1 DEP and the state fill those 100 job vacancies, so  
 2 that we know that the operation happens safely, the  
 3 coal has gotten out and people can still live here  
 4 in the future?

5 I think that's my main point. You know,  
 6 that we need to look at this in the whole scheme of  
 7 things.

PH 5.4 cont.

8 It is not just one agency -- and I want to  
 9 make sure the agencies are communicating that  
 10 West Virginia State Department of Environmental  
 11 Protection is indeed under capacity, and can't  
 12 handle the mining that is going on here now, and so  
 13 we need to beef up the enforcement that we have so  
 14 that people can live here safely.

15 Thank you.

16 MR. TERRY LEWIS: Thank you.

17 The last person on the list and then

18 Mr. Mortino, you will have an opportunity after  
 19 them.

20 MR. MORTINO: Thank you.

21 MR. TERRY LEWIS: Steve Vermit.

22 Sorry, if I have butchered anybody's name.

23 MR. VERMIT: I am Steve Vermit from East  
 24 Lynn. I am also your Chief of Fire out there, so I



1 am responsible for the safety and the well-being of  
2 our citizenry that lives there.

PH 6.1 3 I would like to start off, I do business  
4 with Rockspring Coal. I was also there before they  
5 were there, so they have been a good business  
6 partner and they also seem to be pretty good  
7 neighbors, as far as environmentally because I have  
8 been up there to their place.

PH 6.2 9 But I do have a concern with the plot  
10 number WVES-50560, being so close to the actual dam  
11 structure.  
12 You are introducing your room and pillar  
13 mining and now you are introducing air or oxygen  
14 into a methane environment and if you get a seismic  
15 movement, how much seismic movement would it take to  
16 dislodge that dam, or how should I say, the  
17 integrity of the dam structure itself?  
18 If we lose that project in a sudden  
19 collapse, or a sudden release, we will never recover  
20 from the destruction. It will ruin this whole  
21 Twelve Pole Valley, like, clear down to the Ohio  
22 River.

23 You need to keep them away from the dam  
24 project.

PH 6.3 1 As far as the water goes, I don't know  
2 about the groundwater and all that, but we have  
3 always had trouble with groundwater up there and  
4 well water.  
5 And like I said, Rockspring has been a  
6 pretty good neighbor as far as helping people  
7 getting their water improved.

PH 6.2 cont.  
8 I am concerned with the integrity of the  
9 dam structure itself.

10 Thank you.

11 MR. TERRY LEWIS: Linda Pack.

12 MS. PACK: My name is Linda Pack.

13 I came from Cleveland, Ohio. My mother  
14 sits there, she came from Cleveland, Ohio. We own  
15 land here. My uncle sits there, Dewey Pack.

PH 7.1 16 In the 1700's, George Pack, who fought in  
17 the Revolutionary War, came here to Big Laurel --  
18 what we call Big Laurel today -- and settled our  
19 family.

20 I live by the Great Lake of Erie and we  
21 are trying to protect Lake Erie from being sold to  
22 the south for our fresh water.

PH 7.1 cont.  
23 I am concerned about our water supplies  
24 here. We own land, it is the next generation's. My



1 son sits there and it is for the new generations to  
2 come after me, because of George Pack to start with.

PH 7.1 cont. 3 We would like to save this water supply so  
4 that nothing can happen to us and our children's  
5 children can still enjoy this beautiful land.

6 Thank you.

7 MR. TERRY LEWIS: Those are the folks that  
8 have signed up to speak, unless I have missed  
9 someone. I am not seeing anyone's hands.

10 Mr. Mortino, you have requested another  
11 comment and if there is anyone after him, just raise  
12 your hand.

13 Mr. Mortino.

14 MR. MORTINO: Just a couple of other  
15 things that I would like to mention.

PH 1.5 16 In 2006, East Lynn Lake's water quality  
17 was classified as impaired by West Virginia DEP.  
18 It did not cite specific causes for it,  
19 point to sources, in other words, but mining in the  
20 area is obviously a contributing factor. And until  
21 those sources that are impairing the current quality  
22 are identified, I think permitting more mining in  
23 the basin is not a wise decision.

24 It would be better to understand what is

1 impairing the current water quality of East Lynn

2 Lake before you risk damaging it further.

3 The other point I would like to make is

PH 1.6 4 there was a huge environmental disaster at Inez,  
5 Kentucky, back in 2000, which involved leaking of a  
6 mine tailings pond into some abandoned mine works  
7 and this failure, after being analyzed by a number  
8 of government agencies, was contributed to seepage  
9 and then piping along a fracture that compromised  
10 the barrier that was supposed to protect the mine  
11 works from the tailings pond.

12 So here we have another example of where  
13 we have had a failure due to a natural fracture  
14 system.

15 Given that the actual mining was closer  
16 than the mine plan allowed and the barrier was  
17 narrower than it should have been, there is a  
18 certain degree of error, or whatever you want to  
19 call it, deviating from the plan, may have made it  
20 more difficult.

21 But the point is, you have a thin margin  
22 or barrier to begin with and then you, in fact, run  
23 into potential mistakes, Murphy's law, if you want  
24 to call it that, of going a little too far in one



1 direction, or encountering a natural fracture system  
2 that you didn't plan on, then these barriers that  
3 the plan is counting on to protect the lake and the  
4 mine workings, may not operate the way they were  
5 intended.

PH 1.6 cont. 6 So that Martin County, Kentucky mine  
7 tailings pond draining is similar in a number of  
8 ways, it is not a perfect analog, but it is similar  
9 in a number of ways to the sort of situation that we  
10 are looking at here.

11 Again, the concern over the integrity of  
12 these barriers is something that should be looked  
13 into further.

14 The lineaments that are mapped  
15 crisscrossing the lake in the leased areas, really  
16 need to be looked at a little bit more closely to

17 see what they do to the barriers that they claim to  
18 rely upon.

19 Thank you.

20 MR. TERRY LEWIS: Are there any other  
21 people who wish to provide comments?

22 This hearing is now closed.

23 It is 7:46.

24 Thank you very much for taking your time

1 to come to this meeting this evening.

2 Thank you and have a good evening.

3 (Public meeting concluded.)

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24



1 To-wit: State of West Virginia,  
2 I, Michele G. Hankins, a Notary Public and  
3 Court Reporter within and for the State aforesaid, do  
4 hereby certify that the testimony of said hearing, was  
5 taken by me and before me at the time and place  
6 specified in the caption hereof.

7 I do further certify that said hearing was  
8 correctly taken by me in stenotype notes, that the  
9 same was accurately transcribed out in full and  
10 reduced to typewriting, and that said transcript  
11 is a true record of the testimony.

12 I further certify that I am neither attorney  
13 or counsel for, nor related to or employed by, any of  
14 the parties to the action in which these proceedings  
15 were had, and further I am not a relative or employee  
16 of any attorney or counsel employed by the parties  
17 hereto or financially interested in the action.

18 My commission expires the 13th day of February  
19 2013.

20 Given under my hand and seal this 17th day  
21 of August 2008.

22

23 \_\_\_\_\_  
24 Michele G. Hankins  
Court Reporter  
Notary Public

*Final Land Use Analysis and Final Environmental Impact Statement  
for East Lynn Lake Coal Lease*

**CONCERNED CITIZENS FOR  
EAST LYNN LAKE DEVELOPMENT FLYER**

February 2009

**BLM—Eastern States Milwaukee Field Office**



# THE HISTORY OF THE CITY OF BOSTON

FROM THE FIRST SETTLEMENT  
TO THE PRESENT TIME  
BY  
JOHN H. COLEMAN  
OF THE  
CITY OF BOSTON  
IN TWO VOLUMES  
VOL. I.  
BOSTON:  
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1845.

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## Concerned Citizens for East Lynn Lake Development

Present Requests to the Bureau of Land Management July 31, 2008

We are here to make sure the coal is mined with the greatest benefit to the people here and the least devastation to our future.

### Background

This Lake is important to our state and our county and we need more time and interaction with officials and with the documentation to fully understand this report.

We have contacted officials in the Army Corps of Engineers and the Bureau of Land Management. We have also contacted Congressman Rahall. We have attempted to participate and would like to be involved in this agreement to the fullest of our ability.

### Summary

- We request an extended comment period and another meeting where we can ask questions and present more informed input from the citizens perspective
- We are not here to keep this from being mined.
- We need more protective zones, and assurance that laws will be enforced, so we can have jobs and an economy here in the future.
- We request that the data in this report be verified by independent review.

We would like a written response to the following issues regarding the East Lynn Lake Environmental Impact Statement (EIS) and Loan Agreement

PH 8.1	<p>1. We are concerned for the lack of public input in this decision. The volume and technical nature of the document makes it difficult for affected and concerned citizens to participate in the process. Companies have professionals working on this for more than five years while the public has only 90 days.</p> <p>We request that the comment period be extended to a minimum of 180 total days from the date of this hearing.</p>
PH 8.2	<p>We request that another meeting be coordinated by the Bureau of Land Management to host a discussion between citizens, BLM, ACE, Argus Energy and Rock Springs. We have questions and clarifications that we would like explained to us. We would also like other residents to have an opportunity to get more information on this situation.</p>
PH 8.3	<p>2. We are concerned about the potential for subsidence and the threat to the integrity of the lake. According to the subsidence report at Copley Cemetery regarding one instance of subsidence at an Argus mine site, the coal seam varied from 72 inches to 14 feet. Too much coal was taken out and subsidence occurred. If subsidence happens near East Lynn lake, we are concerned this could drain the lake or affect wells that people rely on. Our water is priceless. We need to safeguard the water in the lake and local wells. This will help to protect the forest, the lake, and the well being of those who will continue to enjoy the land and the water for generations.</p>



PH 8.4 thru PH 8.10	<p>We request that a protective barrier of at least 1,000 feet be maintained around the lake where no coal is mined.</p> <p>We request that overburden of at least 200 feet be maintained above any coal that is mined.</p> <p>We request that BLM determine the probability of subsidence near the lake and report on what core drilling has been done. What was the distance between the core samples that were taken, and is this adequate given the variation in thickness throughout the coal seams?</p> <p>We request that BLM determine the probability of the quantity of water in the lake being affected by this operation.</p> <p>We request that the EIS explain how the pillars, which will deteriorate over time, will last for the 100-200 year life span of East Lynn Lake.</p> <p>We request that BLM determine the probability of nearby water wells being dropped due to this operation.</p> <p>We request that a plan for water replacement be developed before the land is leased in case anything happens to the water in the area</p>
PH 8.11	3. We are concerned about the lack of economic benefit this operation will have on Wayne county. The report states there will be no new hires due to this operation. Furthermore, ¼ of the workers are from out of state.
PH 8.12	We request that the EIS report how much money will come back to Wayne county and East Lynn lake due to this operation; and how much money will go to the federal government.
PH 8.13	4. We are concerned for the water quality of East Lynn Lake. <p>We request that the EIS report on the current water quality of the lake and how it will potentially be affected by this operation. How is it already impacted by mining? Will those impacts increase? How will pH be impacted if mine cavities fill and seep into the lake?</p>
PH 8.14	5. We are concerned for the lack of enforcement of environmental laws from the WV Department of Environmental Protection. In January of this year, the EPA proved that the DEP is more than 4 years behind on issuing violations and reviewing DMRs (Discharge Monitoring reports) from coal companies. <p>We request that the BLM report on who will protect the water draining into East Lynn Lake if the DEP is so behind. How will the quality of water be protected if more mining operations go in around here and no one is enforcing the laws?</p>
PH 8.15	We request that an independent party verify all data in this report and calculations we are requesting here today.
PH 8.16	6. We are concerned for the true history of Argus Energy. Penn Coal went Bankrupt and was taken over by Argus. What sort of a company history are we dealing with? Will they go bankrupt and not be held accountable to the damage they do to federally protected public land? Will tax payers cover the cost of irresponsible operation? We don't want a maybe- we want a Guarantee that East Lynn Lake is going to survive.



**ATTACHMENT J-3**  
**AGENCY REVIEW LETTERS**

February 2009

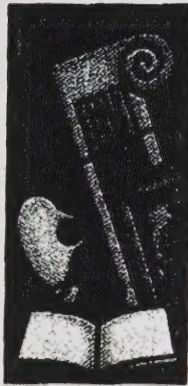
**BLM—Eastern States Milwaukee Field Office**







AG 1

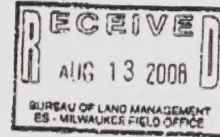


WEST VIRGINIA  
DIVISION OF  
CULTURE & HISTORY

The Cultural Center  
1900 Kanawha Blvd., E.  
Charleston, WV  
25305-0300

Phone 304.558.0220  
Fax 304.558.2779  
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EQIAA Employer

August 8, 2008



Ms. Marsha Sieckman  
Bureau of Land Management  
Milwaukee Field Office  
626 E. Wisconsin Avenue  
Suite 200  
Milwaukee, WI 53202

RE: Land Use Analysis/EIS  
East Lynn Lake, Wayne County, West Virginia  
FR#: 07-97-WA-3

Dear Mr. Ferone:

We have reviewed the Draft Land Use Analysis and Draft Environmental Impact Statement (DEIS), which were submitted for the above referenced project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

AG 1.1

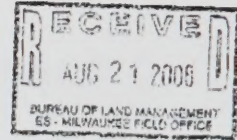
In our opinion, the draft documents accurately summarize the proposed project, its Area of Potential Effect, its potential to impact historic resources and our previous comments. We remain in concurrence with our previous determination. In our opinion, the proposed underground mining operations will have no effect to any architectural, archaeological or cemetery resources listed in or eligible for listing in the National Register of Historic Places. We reiterate our request to be notified should changes be made to the proposed project.

We appreciate the opportunity to be of service. If you need clarification on our comments or the Section 106 process, please do not hesitate to contact me at (304) 558-0240.

Sincerely,

Lora A. Lamarre  
Senior Archaeologist





**DIVISION OF NATURAL RESOURCES**

Wildlife Resources Section  
 Capitol Complex, Building 3, Room 812  
 1900 Kanawha Boulevard, East  
 Charleston WV 25305-0664  
 Telephone (304) 558-2771  
 Fax (304) 558-3147  
 TDD (304) 1-800-354-6087

Joe Manchin III  
 Governor

Frank Jezlora  
 Director

August 14, 2008

Mr. Chris Carusona  
 Bureau of Land Management-Eastern States  
 Milwaukee Field Office  
 262 E Wisconsin Ave. Suite 200  
 Milwaukee, WI 53202

Dear Mr. Carusona:

The West Virginia Division of Natural Resources would first like to thank the Bureau of Land Management (BLM) for affording us the opportunity to be a cooperating partner in the development of the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement. We look forward to continuing this cooperative effort through the remaining stages of this project.

**AG 2.1**

Though we concur that coal removal through the underground mining process as proposed in this document should have little to no significant adverse environmental impact on the surface, we feel that is important to closely monitor any such project at a public use facility. We plan to continue our involvement in the process of completing this document and will provide review and comment on the actual mining permit should these leases be awarded.

Once again thank you for the opportunity to be involved. We look forward to future coordination.

Sincerely,

Curtis I. Taylor, Chief  
 Wildlife Resources Section

CIT/akk



# United States Department of the Interior

AG 3

U. S. GEOLOGICAL SURVEY

Reston, VA 20192

In Reply Refer To:  
Mail Stop 423

September 16, 2008

Mr. Chris Carusona  
Bureau of Land Management  
Milwaukee Field Office  
626 E. Wisconsin Ave., Suite 200  
Milwaukee, Wisconsin 53202-4617

Subject: Draft Environmental Impact Statement for the East Lynn Lake Coal Lease Draft Land Use Analysis

Dear Mr. Carusona:

As requested by your correspondence of June 25, 2008, the U.S. Geological Survey (USGS) has reviewed the subject draft environmental impact statement (DEIS) and offers the following comments.

## SPECIFIC COMMENTS

AG 3.1

### Section 3.2 Surface Water Resources, page 64, first full sentence

A technical review of this section may be warranted as the definitions for some of the terms are not technically accurate and have not included in the Glossary (Chapter 8). For example, a quantity of water can only be measured in volumetric units, such as acre-feet or cubic meters, not an area unit, and dissolved solids generally refers to those solids that can pass through a 0.45-micron filter media.

AG 3.2

### Section 3.2.1d2 East Lynn Lake, page 71, second full paragraph

The contributing drainage area for USGS streamflow gaging station number 03206600 is 38.5 square miles, as reported at [http://nwis.waterdata.usgs.gov/nwis/nwisman/?site\\_no=03206600&agency\\_cd=USGS](http://nwis.waterdata.usgs.gov/nwis/nwisman/?site_no=03206600&agency_cd=USGS).

AG 3.3

### Section 3.2.1d2 East Lynn Lake, page 71, second bullet, and Appendix F, page 2, Horizontal Seepage Calculations

The limitation that hydraulic gradient cannot exceed 1.0 is artificial, and when applied to the East Lynn Lake scenario may lead to underestimating the potential effects of mining. Several



## AG 3.3 cont.

real-world situations are documented where gradients exceed 1.0. Freeze and Cherry (1979, p.482-483) describe cases where piping occurs under earthen dams in situations where hydraulic gradients are greater than 1.0 (p.482). Rosenberry (2000, p. 3403, last paragraph) reports gradients greater than 1.0 under lakes with a thin layer of low permeability sediments lining the lake bottom. Using the data from the table provided on page 2 of Appendix F, 215 feet of head (line 2) behind a barrier 150-200 feet thick (line 3) also produces a gradient greater than 1.0. Definitions of hydraulic gradient can be found at <http://water.nv.gov/WaterPlanning/dict-1/ww-index.cfm> or <http://www.wqa.org/glossary.cfm>.

AG 3.4 **Section 3.2.1d2 East Lynn Lake, page 73, second paragraph**

It is suggested that the conjecture, "Water quality changes in the lake are likely due to existing recreational activities and surface coal mining activities in the watershed upstream of the lake" be supported by citation(s) from the scientific literature.

AG 3.5 **Section 3.2.1e5 Coal Mining, page 79, third paragraph** *move to pg. 81*

A variety of tracers are available that may assist in establishing the hydrologic connection between sources of contamination and potentially affected ground- and surface-water resources. A discussion of USGS research related to the use and development of tracer tests to study contaminant transport and fate is available at [http://toxics.usgs.gov/topics/tracer\\_tests.html](http://toxics.usgs.gov/topics/tracer_tests.html). An extensive bibliography of publications relating to tracer tests also is available at <http://toxics.usgs.gov/bib/bib-tracer.html>.

AG 3.6 **Chapter 7, References**

The following USGS publications are included in the list of references, but are not cited in the text of the document:

Neuzil, S.G. 2001. Summary Report on the Coal Resources, Coal Production, and Coal Quality of the Allegheny Group No. 5 Block, and the Pottsville Group Stockton and Coalburg, Winifrede/Hazard, Williamson/Amburgy, Campbell Creek/Upper Elkhorn No. 3, and Upper Elkhorn Nos. 1, in *2000 Resource Assessment of Selected Coal Beds and Zones in the Northern and Central Appalachian Basin Coal Regions*, by the Northern and Central Appalachian Basin Coal Regions Assessment Team. (Professional Paper 1625-C), Washington, D.C.: U.S. Geological Survey. p. I1-I128. Online: <http://pubs.usgs.gov/prof/p1625c/> (accessed May 2, 2007).

USGS. 2007b. *Quaternary Fault and Fold Database of the United States*, data from the U.S. Geological Survey Earthquake Hazards Program Web site. Online: <http://earthquakes.usgs.gov/regional/qfaults>, (accessed Aug. 20, 2007).

## REFERENCES

Freeze, R. Allan, and Cherry, John A., 1979, Groundwater, Prentice-Hall: Englewood Cliffs, NJ, 603 p.

Rosenberry, Donald O., 2000, Unsaturated-zone wedge beneath a large, natural lake, Water Resources Research, Vol. 36, No. 12, Pages 3401–3409, December 2000

Thank you for the opportunity to review and comment on the DEIS. If you have any questions concerning our comments, please contact Lloyd Woosley, Chief of the USGS Environmental Affairs Program, at (703) 350-8797 or at [lwoosley@usgs.gov](mailto:lwoosley@usgs.gov).

Sincerely,

*/Signed/*

James F. Devine

Senior Advisor for Science Applications





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
HUNTINGTON DISTRICT, CORPS OF ENGINEERS  
502 EIGHTH STREET  
HUNTINGTON, WEST VIRGINIA 25701-2070

AG 4

November 10, 2008

Planning, Programs and Project Management Division  
Planning Branch, Environmental Analysis Section

Mr. Juan Palma  
Eastern States Director  
Bureau of Land Management  
7450 Boston Blvd.  
Springfield, VA 22153

Dear Mr. Palma:

This letter is regarding the Draft East Lynn Lake Coal Lease and Land Use Analysis/Environmental Impact Statement (LUA/EIS) which is being circulated for public and agency review. The purpose of this letter is to convey our concerns after review of the draft document, specifically those stipulations and conditions for leasing we believe necessary to protect the purpose and function of the East Lynn Lake project should Bureau of Land Management (BLM) decide to lease the coal.

The BLM identified the Proposed Action, which is to offer federal coal in the Coalburg/Winifrede seam for competitive leasing, as the preferred alternative. Under the Proposed Action, the federal coal would be offered with standard terms and conditions of the BLM along with special coal lease stipulations identified by the BLM and the US Army Corps of Engineers (USACE). These stipulations would be for the protection of natural resources consistent with applicable laws, BLM and USACE policies, and the USACE *Operational Management Plan*.

AG 4.1

Although no significant adverse impacts were identified by the BLM in analyses of the potential effects from the Proposed Action, the Huntington District remains concerned with the potential for long term effects resulting from coal extraction. The impacts analyses as documented in the draft LUA/EIS were generally near term. Current mining laws and regulations generally provide public protection only during ongoing underground mining, or in the case of surface effects through a bonding period that is intended to ensure successful reclamation. The analyses of effects focus on these time periods.

AG 4.2

As stated in Section 2.2.1 of the document, surface disturbances from the Proposed Action are assumed to be no more than 20 acres and to occur over a 10 year period. These assumptions may be prudent for predictable, near term impacts. However, the remaining effective life of the East Lynn Lake project is several centuries or more, and therefore the temporal aspect of the analyses is a concern.

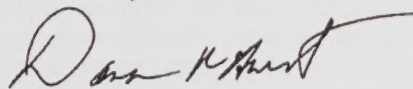
AG 4.3

Although the Huntington District has not determined that data is available which would define long term impacts from proposed mining, inactive room and pillar mines may not be

AG 4.3 cont.	stable during the physical life of the East Lynn Lake project. Predicting effects that may occur long after mining activities cease, such as from subsidence and changing hydrologic conditions, is understandably difficult and uncertain. Therefore, under the Proposed Action, it is imperative that the BLM consider measures that will afford the public protection from any resultant reduction in benefits of the congressionally authorized project purposes of the East Lynn Lake project. These measures must be sufficient to preclude the need for further public investment as may be necessary to mitigate any adverse consequences that may affect the East Lynn Lake project throughout its effective life.
AG 4.4	The draft LUA/EIS identified an adaptive management alternative. However, this alternative was dismissed from further consideration because, as stated "this concept can be incorporated in the monitoring section of the LUA/EIS as mitigation measures in the impacts analysis and in the ROD along with specifying the kinds of monitoring that would be required to track any potential impacts." Except in the case of paleontological resources, no monitoring was deemed necessary because no significant impacts were indentified. Because the temporal aspect of analyses was much less than that of the expected life of the East Lynn Lake project, a determination of significance with respect to effect on the long-term benefits of the project could not be made. Therefore, under the Proposed Action, a monitoring strategy for a period beyond the period of coal extraction and well into the future is necessary in order to adapt appropriate mitigation activities that will ensure the purposes of the East Lynn Lake project are not compromised. This mitigation strategy must be flexible and adaptive for unforeseeable future conditions.
AG 4.5	As a cooperating agency, we previously identified issues during scoping of the analyses and additionally provided comments during the course of preparation of the draft LUA/EIS. For reference, attached are those prior submissions. Many of these issues remain a concern with respect to the continuation of public benefits of the East Lynn Lake project. With respect to the long-term benefits that the East Lynn Lake project would provide, and the uncertainties of adverse effects over that period, we do not believe the findings documented in the report adequately support a decision to lease.

I appreciate the opportunity for the District to work closely with the BLM as a cooperating agency on this important decision. Please do not hesitate to contact me or John Preston, Ecologist, of my staff (304-399-5870), if you require further information or have any questions on our position.

Sincerely,



Dana R. Hurst  
Colonel, Corps of Engineers  
District Engineer

Enclosure





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

AG 5

November 10, 2008

Mr. Chris Carusona  
Bureau of Land Management-Eastern States  
Milwaukee Field Office  
262 E Wisconsin Ave Suite 200  
Milwaukee, WI 53202

RE: East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement (Wayne County, West Virginia) CEQ No. 20080242

Dear Mr. Carusona,

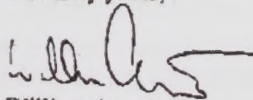
In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency (EPA) has reviewed the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement (EIS), referenced above. EPA believes that significant data have not been considered in the Draft EIS, and recognizes potential for environmental impact to aquatic resources. The document is considered an EO-2: there are environmental objections and it is recommended that additional information be added to the EIS; our rating system is attached and can be found on the EPA website, at the following address: <http://www.epa.gov/compliance/nepa/comments/ratings.html>.

The Draft EIS for the East Lynn Lake coal lease was prepared by the Bureau of Land Management (BLM) to compare a No Action alternative to the action of offering federal coal in the Coalburg/Winifrede seam for competitive leasing. The project area in Wayne County, West Virginia adjoins existing underground and surface coal mining operations, and includes a large surface water impoundment formed behind an earthen dam constructed and operated by the Army Corps of Engineers (the Corps) for flood control and recreation. The proposed action would allow leasing of the subsurface resource, with several conditions of the lease including that the resource could be mined by room and pillar method, maintaining a depth of at least 100 feet from the surface, leaving approximately half the coal in place, and allowing a 200 foot horizontal barrier to be protective of the dam structure, associated building, and the lake.

By virtue of a narrowly constructed Purpose and Need statement, the document analyzes a Proposed Action and No Action alternative. It is believed that this reduces the value of a document prepared for NEPA compliance, as evaluation of a range of alternatives for informed decision making is a core contribution of the NEPA process. EPA appreciates the considerable effort done in the EIS to present some of the current conditions and potential consequences of allowing underground mining operations to extend under the federal lands whose surface activities are controlled by the Corps. EPA believes that it is imperative for BLM to investigate and report data from additional sources that will better define the past and current conditions in regard to water quality and the geologic conditions of the project area. It seems imprudent to continue with decision making without consideration of the current impairments to water quality, likely to be resulting from mining activities which are documented by state, federal and academic institutions, and consideration of site specific geologic conditions including a fracture trace analysis, verification and mapping. As extensive geological investigation and modeling is not likely to be achieved at this point (and additional geologic data will include uncertainty with fracture locations and anisotropic movement of water between subsurface and surface), an alternative incorporating a more conservative and protective barrier between potential mining operations and the aquatic resources and existing earthen dam structure is recommended. Specific comments and requests for additional information for the Draft EIS are attached to this letter.

EPA appreciates the opportunity to review and comment on the Draft EIS for the East Lynn Lake Coal Lease project. Please feel free to contact Ms. Barbara Rudnick at (215) 814-3322 or email her at [rudnick.barbara@epa.gov](mailto:rudnick.barbara@epa.gov) if there are questions regarding comments presented.

Sincerely yours,



William Arguto  
NEPA Team leader

Attachment



## Technical Comments

AG 5.1	<p>1. Page 6: The Purpose and Need of the project is stated as: "The purpose of the Proposed Action and associated proposed mining is to enable the Applicants to bid competitively for the right to mine the federal coal in a manner that: optimizes positive economic impacts related to use of the coal resource..." The need for the "Proposed Action and associated proposed mining is to: extend the life of the Applicants' existing, adjoining operations..." It is not conventional for the NEPA process to be done with a stated need being the specific action. The need is more typically stated as the "problem" in the area, for instance, few economic opportunities, waning energy resources, safety issues. The purpose of the document is to evaluate a range of alternatives (see CEQ 40 Questions 1 and 2, referencing NEPA sec. 1505.1(e) and 1502.14) that will address the need such as oil and gas development, hydroelectric development, or coal mining. Some alternatives can be removed from consideration after a weighted discussion is documented in the EIS. Among alternatives selected for detailed analysis in the Draft EIS, options may be evaluated, such as a more limited action (see CEQ 40 Questions, 1bA), combining alternatives or a phased alternative. A NEPA document may appear biased when only doing the proposed action can meet the stated need.</p>
AG 5.2	<p>2. Page 31: It is unclear how exploratory drilling could be considered an action unrelated to mining which is evaluated in this environmental document.</p>
AG 5.3	<p>3. Page 45: The term "blow-outs" is used on page 45, but not defined until page 50.</p>
AG 5.4	<p>4. Viewing figures of drainage, it appears that some stream reaches (markedly straight) may be fracture controlled. A more detailed fracture trace analysis of air photos (in addition to the analysis in Figure 3.1-5), and field verification, will likely need to be completed if leasing is permitted. Potential environmental consequences will need to be evaluated, monitored and mitigated if necessary.</p>
AG 5.5	<p>5. Page 56: The timing of development of gas resources is unclear as presented in the EIS. It is stated that a buffer of 100 to 200 feet will be maintained around an oil or natural gas well; and it is stated if wells are "negotiated, they are likely to be placed within a pillar". Is there an existing resource development priority between oil and gas exploration and coal mining on the property? Page 60: It is stated that up to 20 more wells are may be installed; it is uncertain if this is exploration or development. It is unclear if exploration will need to stop at that point being limited by coal mining potential, or if exploration has been completed and the 20 wells are the final requirement of gas development within the project area. Loss of coal revenues to gas are estimated; if gas development is limited by coal mining, can loss of gas revenues to coal be estimated?</p>





AG 5.6	6. Have any of the structural integrity, subsidence predictions include the likelihood of gas wells within pillars? The document reports that at least 144 wells already exist within the property considered for leasing, Page 60-62.
AG 5.7	7. Page 58: The document reports that natural fracturing typically extends to a depth of 50 to 100 feet. References should be cited. Although this may be generally true, and is sometimes stated as 150 feet, deeper water-bearing fractures are not unheard of. The description of fractures presented in appendix B, page 9 should be expanded and brought into the context of the main evaluation. Being protective of the earthen dam structure, designed to function for more than 100 years, is of primary importance; a conservative approach which incorporates the uncertainty of location and depth of fractures should prevail. (Did the design of the dam consider the possibility of expanding underground mining?)
AG 5.8	8. The document should include a geologic map of the study area at a scale where rock types and structure can be identified (maybe 1:36,000), a stratigraphic column and cross-sections should be developed. Figure 3.1-19, 20 give some information on dip, but it is not certain that this is consistent with other beds and is not complete for the study area. The description of structure presented in appendix B, page 9 should be expanded and brought to the text.
AG 5.9	9. Figure 3.1-12: The figure is very useful, but portrays so much information it is hard to decipher. The orange color gradation is too close to be able to decipher on the map. It might be helpful to separate some of the information in other figures, and then combine it as shown. How does "surface mine" differ from "active, moving coal"?
AG 5.10a	10. Page 68: The EIS states that WVDEP have put approximately eight streams in the vicinity of the proposed lease tracts, and East Lynn Lake, on its 303(d) list, for biological impairment and for one creek for elevated levels of iron. It is stated that the source of impairment is unknown. It appears that hypotheses have been investigated to try to identify potential sources of impairment. Data for other constituents, including metals should be reported.
AG 5.10b	The USACE has historically funded Marshall University to conduct research projects on East Lynn Lake and the watershed. These studies have documented that water quality of East Lynn Lake is impaired by mining activities within the Twelvepole Creek Watershed and that the aquatic life within the lake is adversely affected (See Dr. Don Tarter and graduate students at Marshall University; specifically, Hubert Zappia 1989). The coal industry (Randy Maggard) has performed on-going biological and water quality surveys within the Twelvepole Creek watershed for nearly 15 years. These data should be used within the DEIS to document the projected effects of the proposed mining on the aquatic life and water quality of the streams and East Lynn lake.
AG 5.11	11. Page 81, sec 3.2.2b Significance Criteria: The significance criteria for surface water quality are: an exceedance of WVDEP surface water standards, including applicable anti-



AG 5.11 cont.	degradation standards; and/or-degradation of water quality in any one of the streams crossing the proposed lease tracts to a point where the stream is listed on the WVDEP 303(d) list. As noted above, streams within the Twelvepole Creek Watershed have been included in the WVDEP 303(d) list in 2004 and 2008. A probable cause of the biological impairment was mining related. The DEIS needs to address this.
AG 5.12	12. Figure 3.2-2: The figure shows a great number of sampling locations present in the study area. It is hard to identify the sampling locations used in the document (three stations in Table 3.2-7) to discuss East Lynn Lake water quality. Though period of record was stated as the criteria for selecting these sampling points, it would be useful to see additional data to support that the data are representative. Additional data could include sample location, physical parameters, chemical parameters including metals, distance from surface or underground workings, and if possible season and weather conditions. Many factors are needed for data interpretation. It would be helpful to have a figure which highlights impaired streams, sample locations possibly overlain with important land use features.
AG 5.13	13. Page 82: It would be useful to present sampling data to support that groundwater quality is not degraded through contact with mining operations in the Coalburg/Winfrede seam. Are these data consistent with other agency sampling results and conclusions? Page 89 (Water Quality): Although the DEIS used coal industry supplied data on drinking well water quality, the authors did not use the extensive drinking well water quality work completed by Dr. Ben Stout, Wheeling Jesuit University. It is recommended that the DEIS include the work of Dr. Stout.
AG 5.14	14. Discussion of the role of secondary porosity and permeability in the study area is essential to the evaluation and decision-making on leasing the land for coal extraction. Please cite a reference for the statement that fracture zones are confined to valleys and valley floors and greater description. Information from Appendix B, page 9 should be expanded and brought into the evaluation of potential groundwater and surface water interaction, bedrock stability during and after proposed activities, and uncertainties in conclusions drawn from hydraulic conductivities. It does not seem unreasonable to predict some enhancement of connection between groundwater and surface water in an area that would undergo exploratory drilling and resource extraction.
AG 5.15	15. Page 87: Well depth and logs should be added, if available.
AG 5.16	16. Page 91: Hydraulic conductivity for areas with secondary porosity and permeability, such as where fracture zones are present, should be discussed. Implications to other issues such as blow-outs, and scenarios described on pages 97-98 should be included.
AG 5.17	17. Page 82, Page 97: The estimated time for water to fill the mine is 150 years on page 82, and 50 on page 97. Is there discussion of the difference?
AG 5.18	18. Page 92: Though coal has been tested for sulfur content, it is equally important to evaluate the presence of sulfur-bearing minerals (especially pyrite) in the shale or other





AG 5.18 cont.

rock types interbedded with coal seems. It is unclear if these rock types were included in the samples analyzed. This will be important as materials removed and separated will be disposed within or near the project area, and material left in place will have increased exposure to groundwater, chemical and physical weathering, etc.

AG 5.19

19. Page 94: Evaluation of impact of changes of parameters in the watershed which have been linked to biological impairment should be expanded in the DEIS. Alkaline mine water has been shown to impair the aquatic life of streams in southern West Virginia (Pond GJ, Passmore ME, Borsuk FA, Reynolds L, Rose CJ (2008) Downstream effects of mountaintop coal mining: comparing biological conditions using family- and genus-level macroinvertebrate bioassessment tools. Journal of the North American Benthological Society: Vol. 27, No. 3 pp. 717-737). Elevated TDS can eliminate certain species of insects (e.g. mayflies – Ephemeroptera) from the stream which will lead to the stream being listed on the WVDEP 303(d) list due to reduced scores for the West Virginia Stream Condition Index (WVSCI) and Index of Biological Integrity (IBI).

AG 5.20

20. Page 125 (Fish and Wildlife Resources): The DEIS states that the fishery potential in the lake is considered to be hindered by poor to fair water quality, citing the USACE. The Draft EIS should present fish data available from the coal industry, and state/federal agencies (e.g. data collected by Randy Maggard, Marshall University theses). In addition, the DEIS should use the state assessment methods which use benthic macroinvertebrates in addition to fish. The WVDEP 303(d) list uses the benthic macroinvertebrate IBI (WVSCI and GLIMPS, Genus Level Invertebrate Macroinvertebrate Protocol) to assess the quality of streams. Since WVDEP has listed Twelvepole Creek streams on the 303(d) list, the DEIS should be expanded use available biological data to assess and investigate the potential of the proposed coal lease to impact the future quality of the water and aquatic communities in the study area.

AG 5.21

21. The DEIS does not mention secondary impacts associated with the proposed action. Are any secondary impacts expected? Additional infrastructure, the enlargement of the slurry impoundment (which was evaluated as a cumulative impact in the DEIS), exploratory drilling would typically be considered secondary impacts of the project.

AG 5.22

22. A discussion of secondary and cumulative impacts should present data trends for resources of interest in the document (those potentially impacted). Background water quality prior to the 1970's, if available, should be included to show trends in degradation. The DEIS, and much available data, portrays a watershed with water quality degradation, as evidenced by the inclusion of Twelvepole Creek watershed in the 2004 and 2008 WVDEP Integrated Report 303(d). The DEIS criteria "reduction in viability of any species" has been shown to be violated (i.e. loss of mayfly taxa and WVSCI impairment). This should be addressed in the DEIS.

AG 5.23

23. The ongoing mining activity will require that a larger and an additional surface slurry impoundment be constructed and maintained in the watershed as stated on page 226. The proposed disposal of mining waste is an incremental additional risk, and incremental





AG 5.23 cont.	source of watershed degradation, and could be evaluated as a potential source of a major release.
AG 5.24	24. Page 252: The DEIS states "In the future, market demands may lead to high extraction underground mining within the cumulative effects area. This method produces more coal, but causes more impacts to resources. The potential for subsidence is extremely high. Indirect impacts to surface water quantity and quality could occur..." The DEIS should address this scenario. This type of mining has caused significant environmental harm to streams in southwestern Pennsylvania (i.e. Enlow Fork of Wheeling Creek) and has been identified as the cause of a dam failure (Duke Lake at Ryerson Station State Park) and subsidence under interstate highways and public roads. The subsidence has caused streams to completely lose water permanently and also caused riffle run streams to turn into sediment laden pool habitat reaches.
AG 5.25	25. Page 254 (Significance Criteria): Significance criteria are stated as: impacts to surface water or groundwater that would result in a decrease in aquatic habitat quality; disruption of fish and wildlife breeding or nesting activity to the extent that reproductive success is impaired and reduction in viability of any species through direct mortality or behavioral disruption. As noted in Pond et al 2008 (NABS), mayfly taxa are eliminated from mining impaired streams including streams within the Twelvepole Creek watershed. In addition, WVDEP lists streams on their WVDEP 303(d) list based on impaired biological communities. The loss of mayfly taxa is a significant cause of impairment as measured by the WVDEP WVSCI benthic macroinvertebrate IBI. The mayflies are not capable of surviving in the impaired streams due to some factor related to mining activity whether it is TDS or metals, etc. (see Pond et al 2008). This fact appears to relate to the significance criteria - "reduction in viability of any species through direct mortality or behavioral disruption." The DEIS should address this issue.
AG 5.26	26. Several conditions were stated that are proposed to be included on the leasing agreement. It is unclear if the conditions can be modified and if commitments made in the NEPA document are binding.
AG 5.27a	27. Environmental Justice issues have been reviewed by EPA and the following comments prepared:  a) Examination of demographic data for the area in close proximity to the East Lynn Reservoir indicates that a considerable percentage of the population in that area is low-income. The document correctly points out that the Wayne County percentage of the population living below the poverty level exceeds the state average. However, when the percentages of population living close to the reservoir are examined, the percentages of that population living below the poverty level (47.46% within a one mile radius, 38.21% within a two mile radius, 33.13% within a three mile radius, and 26.42% within a 9 mile radius) are considerably about the state and county averages (17.46% and 19.45% respectively according to the 2000 census). This information indicates that there are indeed populations that should be acknowledged as being populations of Environmental





AG 5.27a cont.

Justice concern located in the area of study. There were 969 persons living within a three mile radius of the reservoir as of the 2000 census. That same census reported a population of more than 12,000 persons living within 9 miles. When it is taken into consideration that more than one quarter of the population in the area is living below the poverty level, it seems most reasonable to assume that there is a considerable population in the area that represents a community of Environmental Justice concern. Environmental Justice is a major consideration for this project, and must be recognized as such.

AG 5.27b    b) The document fails to provide detailed information as to the nature and extent of the community involvement and public outreach activities that were to be instituted to assure the appropriate involvement of the sizeable poor population of the area. It seems that meetings and forums were held at considerable distance from the actual area where the community that may be most impacted by activities are located. What are the strategies that will be used to assure the appropriate involvement of the citizens in the decision making process?

AG 5.27c    c) Greater consideration needs to be given to cumulative impacts that may impact the resident population. There will be impacts associated with any and all activities that are undertaken. However, there seems to be little attention paid to what those impacts are, where and how close to resident populations that will be, and what the nature and extent of those impacts will be. How do mitigation measures address these concerns?

AG 5.27d    d) There seems to be an assumption that the leases will only have positive impacts upon the population. What documentation exists that demonstrates that there will be positive impacts on this community. This state has and does have a considerable number of this type of project, but the percentage of the population living below the poverty level remains well above the national average. Additional information is required to justify the assertions made regarding the benefits to the communities economically.





## **RATING THE ENVIRONMENTAL IMPACT OF THE ACTION**

- **LO (Lack of Objections)** The review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action.
- **EC (Environmental Concerns)** The review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact.
- **EO (Environmental Objections)** The review has identified significant environmental impacts that should be avoided in order to adequately protect the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). The basis for environmental Objections can include situations:
  1. *Where an action might violate or be inconsistent with achievement or maintenance of a national environmental standard;*
  2. *Where the Federal agency violates its own substantive environmental requirements that relate to EPA's areas of jurisdiction or expertise;*
  3. *Where there is a violation of an EPA policy declaration;*
  4. *Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation that could be corrected by project modification or other feasible alternatives; or*
  5. *Where proceeding with the proposed action would set a precedent for future actions that collectively could result in significant environmental impacts.*
- **EU (Environmentally Unsatisfactory)** The review has identified adverse environmental impacts that are of sufficient magnitude that EPA believes the proposed action must not proceed as proposed. The basis for an environmentally unsatisfactory determination consists of identification of environmentally objectionable impacts as defined above and one or more of the following conditions:
  1. *The potential violation of or inconsistency with a national environmental standard is substantive and/or will occur on a long-term basis;*
  2. *There are no applicable standards but the severity, duration, or geographical scope of the impacts associated with the proposed action warrant special attention; or*
  3. *The potential environmental impacts resulting from the proposed action are of national importance because of the threat to national environmental resources or to environmental policies.*

## **RATING THE ADEQUACY OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS)**

- **1 (Adequate)** The draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.
- **2 (Insufficient Information)** The draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the proposal. The identified additional information, data, analyses, or discussion should be included in the final EIS.
- **3 (Inadequate)** The draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives, that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant

environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating indicates EPA's belief that the draft EIS does not meet the purposes of NEPA and/or the Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS.







**ATTACHMENT J-4**

**CONGRESSIONAL INQUIRIES**

**BLM—Eastern States Milwaukee Field Office**







# United States Senate

## COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

August 15, 2008

Ms. Nancy L. Smith  
Legislative Affairs Group Manager  
Bureau of Land Management  
U.S. Department of Interior  
Mail Stop 401-LS  
1849 C Street, N.W.  
Washington, D.C. 20240-0001

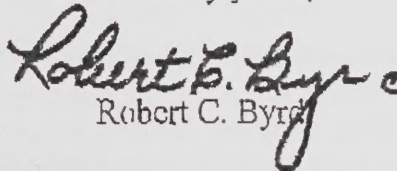
Dear Ms. Smith:

Please see the enclosed correspondence from Mr. Shawn Cade.

I would appreciate your looking into this matter, and providing me with comments that may serve as the basis for a reply to my correspondent.

Thanking you in advance for your attention to this matter, I am

Sincerely yours,

  
Robert C. Byrd

RCB:sp  
Enclosure



## Report: Incoming Constituent Message

Report Date: 8/12/2008

Staff: email

Address To: General

Name: Mr. Shawn Cade

Address: Route 2 Box 2500

Wayne WV 25570 USA

Email: scademan@frontiernet.net

URL:

Home Phone:

Cell Phone:

Work Phone:

Fax:

Polling:

Salutation: Dear Mr. Cade:

In Type: EML

Reply Ltr:

Interest: L-PL

Organization:

Letter:

Classification:

Personal:

Title:

Workflow:

Reference #:

Group: W080812

Message Body:

Date Received: 8/11/2008 11:26:06 PM

Dear Representative Tomblin:

I am writing to express my concerns of the proposal by Argus Energy and Rockspring Development propose to lease

13,089.55 acres of federal coal for underground mining at East Lynn Lake. They propose to mine within 1600 feet of the dam.

Mining could impact the integrity of the dam and the environmental impacts to the water quality, fish, wildlife and plant life could be irreversible. BLM has prepared an Environmental Impact Statement for this proposal. The current 90 day comment period ends on September 24, 2008. This report has not been properly reviewed by the public. Very little public participation has taken place. The public comment period needs to be extended at least 180 days. Many questions remain unanswered. A few include: Why was management and responsibility for the coal transferred from the US Army Corps of Engineers to BLM? What will be the true impacts of mining on the lake? What new tests have been conducted to conclude that mining will not be detrimental to the lake?

East Lynn Lake plays a vital role in the protection of Wayne County residents home and properties from annual flooding. It is also vital to the economy bringing thousands of tourists to Wayne County each year to enjoy, hiking, fishing, boating, camping, hunting, bird watching, etc. Many questions MUST be answered. Please urge BLM to extend the public comment period another 180 days so the public can be heard.

Sincerely,

Shawn Cade  
Route 2 Box 2500  
Wayne, WV





# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Eastern States

7450 Boston Boulevard  
Springfield, Virginia 22153  
<http://www.blm.gov/eso>



IN REPLY REFER TO:  
3425 (030)

SEP 17 2008

The Honorable Robert C. Byrd  
United States Senate  
Washington, D.C. 20510

Dear Senator Byrd:

Thank you for your inquiry on behalf of your constituent, Mr. Shawn Cade. In an e-mail dated August 11, 2008, Mr. Cade expressed concerns about the proposal to mine coal at the East Lynn Lake project. He indicated that the mining could impact the integrity of the dam, and the environmental impacts to the water quality, fish, wildlife and plant life could be irreversible.

Currently, the Draft Land Use Analysis and Draft Environmental Impact Statement are out for public comment. Mr. Cade's comments, along with all other comments we receive, will be reviewed and all substantive comments will be addressed in the Final Land Use Analysis and Environmental Impact Statement in accordance with 40 CFR 1503.4.

Mr. Cade requested that the 90-day comment period that ends on September 24, 2008, be extended for an additional 180 days. In deference to this request, as well as other requests from members of the West Virginia delegation to extend the comment period, we have extended it for 45 days, and it now closes on November 10, 2008. The public was notified of the extension in the Federal Register on September 9, 2008. For your convenience, a copy of the notice is enclosed. This notice will also be published in local newspapers prior to September 24, 2008.

Mr. Cade also questions why the management and responsibility for the coal was transferred from the U.S. Army Corps of Engineers to the Bureau of Land Management. The Water Resources Development Act, Public Law No. 94-579, 113 Stat. 374 (1999), removed the U.S. Army Corps of Engineers consent authority normally granted to the surface management agency by stating:

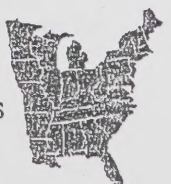
*"Sec. 574. EAST LYNN LAKE, WEST VIRGINIA*

*The Secretary shall defer any decision relating to the leasing of mineral resources underlying East Lynn Lake, West Virginia, project lands to the Federal entity vested with such leasing authority."*

In this statement, the Secretary is defined as the Secretary of the Army and the Federal entity is the Bureau of Land Management.



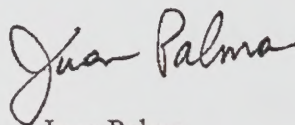
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I hope this information is helpful in your response to Mr. Cade's inquiry. If you have additional questions regarding this matter, please contact me at (703) 440-1711, or your staff may contact Steven Wells, Deputy State Director, Division of Natural Resources, at (703) 440-1535 for assistance.

Sincerely,

A handwritten signature in cursive script that reads "Juan Palma".

Juan Palma  
State Director

Enclosure



## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[ES-030-07-1320-EL; WVES-50560; WVES-50556]

**Notice of Extension of the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement; Coal Lease Applications WVES-50556 and WVES-50560, Wayne County, WV**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Comment Period Extension.

**SUMMARY:** The Bureau of Land Management (BLM) is announcing an extension of the comment period on the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement (DLUA/DEIS) to analyze the potential impacts of two Federal Coal Lease By Applications, WVES-50556 and WVES-50560, totaling 13,089.55 acres at the U.S. Army Corps of Engineers' East Lynn Lake Project in Wayne County, West Virginia, and by this notice is announcing the extension of the comment period. The original notice published in the Federal Register on June 27, 2008 [73 FR 125] provided for a comment period to end on September 24, 2008. An amended notice published on July 3, 2008 [73 FR 129] provided a correction to the project's state location from Virginia to West Virginia.

**DATES:** The BLM is extending the comment period for 45 days ending on November 10, 2008.

**ADDRESSES:** The DLUA/DEIS is posted on the Internet at [http://www.blm.gov/es/st/en/prog/east\\_lynn\\_lake\\_coal/DLUA\\_DEIS.html](http://www.blm.gov/es/st/en/prog/east_lynn_lake_coal/DLUA_DEIS.html). You may submit comments by any of the following methods:

- **E-mail:**  
[EastLynnLakeComments@blm.gov](mailto:EastLynnLakeComments@blm.gov).
- **Mail:** BLM Milwaukee Field Office, Attn: Chris Carusona, 626 E. Wisconsin Ave., Suite 200, Milwaukee, WI 53202.
- **Facsimile:** 414-297-4409, Attn: Chris Carusona.

Comments, including names and addresses of respondents, will be available for public review at the Milwaukee BLM Field Office, and will be subject to disclosure under the Freedom of Information Act. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made

publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Chris Carusona, Planning and Environmental Coordinator, at 414-297-4463.

**SUPPLEMENTARY INFORMATION:** The original Notice of Availability provided for comments on the DLUA/DEIS to be received through September 24, 2008. The BLM received requests for an extension of the comment period from individuals and groups. The BLM has reviewed these requests. Comments on the DLUA/DEIS will now be accepted through November 10, 2008.

Dated: September 3, 2008.

A. Barron Bail,

BLM ES, Acting State Director.

[FR Doc. E8-20888 Filed 9-8-08; 8:45 am]

BILLING CODE 4310-GJ-P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[UTU 6443, UTU 012532, and UTU 0146037]

**Public Land Order No. 7708; Partial Revocation of Public Land Order Nos. 1391, 4060, and 4567; Utah; Correction**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Correction.

**SUMMARY:** This action corrects an error in the land description published as FR Doc. E8-12424 in the Federal Register, 73 FR 31880-31881, June 4, 2008.

On page 31881, column 1, line 13 from the top, which reads "Salt Lake Meridian" is hereby corrected to read "Uintah Special Meridian".

On page 31881, below "b. Hawthorne Campground," column 1, line 20 from the top, and above "T. 8 S., R. 5 E.," column 1, line 21 from the top, insert "Salt Lake Meridian".

Dated: August 20, 2008.

Jeff Rawson,

Associate State Director.

[FR Doc. E8-20886 Filed 9-8-08; 8:45 am]

BILLING CODE 3410-11-P

## DEPARTMENT OF LABOR

**Office of Job Corps; Advisory Committee on Job Corps; Notice of Renewal of the Advisory Committee on Job Corps Charter**

**AGENCY:** Office of Job Corps, Department of Labor.

**ACTION:** Renewal of the Advisory Committee on Job Corps charter.

**SUMMARY:** Notice is hereby given that after consultation with the General Services Administration, it has been determined that the renewal of an advisory committee on Job Corps is necessary and in the public interest. Accordingly, the U.S. Department of Labor, Office of Job Corps has renewed the Advisory Committee on Job Corps charter with several minor revisions. The revisions are not intended to change the purpose or the Committee's original intent.

**SUPPLEMENTARY INFORMATION:****Background**

The Current Advisory Committee on Job Corps charter expires September 7, 2008. These proposed revisions were not intended to change the purpose or the Committee's original intent. The revisions were intended to update and align with Job Corps vision for the 21st century.

The revisions are found in the following two sections of the Charter: A Description of the Duties for Which the Committee is Responsible and Termination Date.

**Summary of Revisions**

- A description of the duties for which the Committee is responsible were slightly modified to reflect an addendum report.
- The termination date was extended to provide sufficient time for Committee activities and evaluations necessary to obtain results needed in advising and making recommendations to the Secretary.

The Advisory Committee on Job Corps provides advice and recommendations to the Secretary of Labor pertaining to the review, development, and implementation of policies, legislation, and regulations affecting Job Corps. It serves to broadly evaluate Job Corps program characteristics, including its purpose, goals, and effectiveness, efficiency, and performance measures in order to address the critical issues facing the provision of job training and education to the youth population that it serves, particularly as related to creating a pipeline of young workers for a demand-driven workforce.



NICK J. RAHALL II  
3RD DISTRICT, WEST VIRGINIA

COMMITTEE ON NATURAL RESOURCES  
CHAIRMAN

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE  
VICE-CHAIRMAN

Email: [nrahall@mail.house.gov](mailto:nrahall@mail.house.gov)  
Internet: <http://www.house.gov/rahall>

Congress of the United States  
House of Representatives  
Washington, DC 20515-4803

August 15, 2008

Mr. Jim Caswell  
Director  
Bureau of Land Management  
1620 L St NW  
Washington, DC 20036

Dear Mr. Caswell:

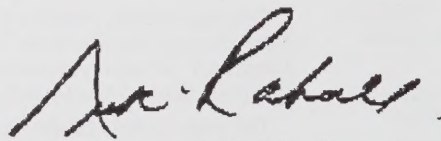
Enclosed please find a copy of correspondence from Mr. Shawn Cade, regarding the proposal by Argus Energy and Rockspring Development to lease 13,089.55 acres of federal coal near East Lynn Lake in Wayne, West Virginia. Since this is a matter that falls within the jurisdiction of your office, I am referring it to you for consideration. I would appreciate your looking into this matter and responding directly to Mr. Cade with any information that may be helpful to him.

In addition, I request that the public comment period for the Environmental Impact Statement in this matter be extended an additional 180 days beyond the current deadline of September 24, 2008 so that the public has sufficient opportunity to submit their views on this important issue.

I thank you, in advance, for your assistance in this matter.

With warm regards, I am

Sincerely,

  
NICK J. RAHALL, II  
Member of Congress

NJR/sdg

Enclosure

2307 RAYBURN BUILDING, WASHINGTON, DC 20515-4803  
(202) 225-3452

CI-2

301 PRINCE ST., BECKLEY, WV 25801-4699  
(304) 252-5000

845 FIFTH AVE., ROOM 152  
HUNTINGTON, WV 25701-2086  
(304) 522-NICK

601 FEDERAL ST., ROOM 1005  
BLUEFIELD, WV 24701-3033  
(304) 325-6222

220 DINGESS ST.  
LOGAN, WV 25601  
(304) 752-4934

CC: Hensel  
Zuber  
Janet  
Johanna  
Ken G. (LOO)

Gore, Scott

---

From: Web forms [webforms@heoc-www6.house.gov]  
Sent: Monday, August 11, 2008 11:36 PM  
To: WV03, Webmail  
Subject: Website Contact Form Submission

<APP>SCCMAIL  
<PREFIX>Mr.</PREFIX>  
<FIRST>Shawn</FIRST>  
<MIDDLE></MIDDLE>  
<LAST>Cade</LAST>  
<SUFFIX></SUFFIX>  
<ADDR1>Route 2 Box 2500</ADDR1>  
<ADDR2></ADDR2>  
<CITY>Wayne</CITY>  
<STATE>WV </STATE>  
<ZIP>25570</ZIP>  
<ZIP4></ZIP4>  
<EMAIL>scademan@frontiernet.ent</EMAIL>  
<PHONE>3042723815</PHONE>

<MSG>

Dear Congressman Rahall:

I am writing to express my concerns of the proposal by Argus Energy and Rockspring Development propose to lease 13,089.55 acres of federal coal for underground mining at East Lynn Lake. They propose to mine within 1600 feet of the dam. Mining could impact the integrity of the dam and the environmental impacts to the water quality, fish, wildlife and plant life could be irreversible. BLM has prepared an Environmental Impact Statement for this proposal. The current 90 day comment period ends on September 24, 2008. This report has not been properly reviewed by the public. Very little public participation has taken place. The public comment period needs to be extended at least 180 days. Many questions remain unanswered. A few include: Why was management and responsibility for the coal transferred from the US Army Corps of Engineers to BLM? What will be the true impacts of mining on the lake? What new tests have been conducted to conclude that mining will not be detrimental to the lake?

East Lynn Lake plays a vital role in the protection of Wayne County residents home and properties from annual flooding. It is also vital to the economy bringing thousands of tourist to Wayne County each year to enjoy, hiking, fishing, boating, camping, hunting, bird watching, etc. Many questions MUST be answered. Please urge BLM to extend the public comment period another 180 days so the public can be heard.

Sincerely,

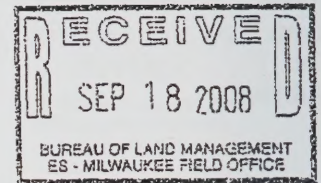
Shawn Cade  
</MSG>

</APP>



3425 (030)

SEP 15 2008



The Honorable Nick J. Rahall II  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Rahall:

Thank you for your inquiry on behalf of your constituent, Mr. Shawn Cade. In an e-mail dated August 11, 2008, Mr. Cade expressed concern over the proposals by Argus Energy and Rockspring Development to lease 13,089.55 acres of Federal coal for underground mining at East Lynn Lake. His comments are noted and now included as part of the official record. You asked us to respond directly to Mr. Cade, so please see the enclosed letter to Mr. Cade.

Through your office, Mr. Cade requested that the 90-day comment period that ends on September 24, 2008, be extended for an additional 180 days. In deference to your request, as well as other requests from members of the West Virginia delegation, to extend the comment period, we have extended it for 45 days and it now closes on November 10, 2008. The public was notified of the extension in the Federal Register on September 9, 2008. For your convenience, a copy of the notice is enclosed. This notice will also be published in local newspapers prior to September 24, 2008.

If you have additional questions regarding this matter, please feel free to contact me at (703) 440-1711 or your staff may contact Steven Wells, Deputy State Director, Division of Natural Resources at (703) 440-1727 for assistance.

Sincerely,

/s/ Juan Palma

Juan Palma  
State Director

Enclosures

Bc: ES RF: CR RF: 910RF: 912RF: 930RF: MFO:KRoberts:cak:09/09/08:ELL Rahall Response



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Eastern States  
7450 Boston Boulevard  
Springfield, Virginia 22153  
<http://www.blm.gov/es>



IN REPLY REFER TO:

3425 (030)

Mr. Shawn Cade  
Route 2, Box 2500  
Wayne, West Virginia 25570

SEP 15 2008

Dear Mr. Cade:

I am responding to your e-mail to Representative Nick J. Rahall, in which you expressed concerns on the proposals by Argus Energy and Rockspring Development to lease 13,089.55 acres of Federal coal for underground mining at East Lynn Lake. Your comments are now noted and included as part of the official record.

All comments received during the public comment period will be reviewed by the Bureau of Land Management and all substantive comments will be addressed in the Final Land Use Analysis and Environmental Impact Statement in accordance with 40 CFR 1503.4.

We considered your request to extend the comment period that was set to close September 24, 2008, and have granted a 45-day extension. The comment period now closes November 10, 2008. The notice of extension was published in the Federal Register September 9, 2008 (copy enclosed) and will appear in the local newspapers in accordance with 40 CFR 1506.6.

Thank you for your interest and if you have any questions, please contact Steven Wells, Deputy State Director for Division of Natural Resources, at (703) 440-1727.

Sincerely,

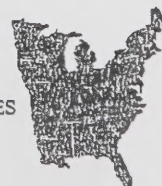
Juan Palma  
State Director

Enclosure

cc: The Honorable Nick J. Rahall, II



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## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[ES-030-07-1320-EL; WVES-50560; WVES-50556]

**Notice of Extension of the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement; Coal Lease Applications WVES-50556 and WVES-50560, Wayne County, WV**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Comment Period Extension.

**SUMMARY:** The Bureau of Land Management (BLM) is announcing an extension of the comment period on the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement (DLUA/DEIS) to analyze the potential impacts of two Federal Coal Lease By Applications, WVES-50556 and WVES-50560, totaling 13,089.55 acres at the U.S. Army Corps of Engineers' East Lynn Lake Project in Wayne County, West Virginia, and by this notice is announcing the extension of the comment period. The original notice published in the Federal Register on June 27, 2008 [73 FR 125] provided for a comment period to end on September 24, 2008. An amended notice published on July 3, 2008 [73 FR 129] provided a correction to the project's state location from Virginia to West Virginia.

**DATES:** The BLM is extending the comment period for 45 days ending on November 10, 2008.

**ADDRESSES:** The DLUA/DEIS is posted on the Internet at [http://www.blm.gov/es/st/en/prog/east\\_lynn\\_lake\\_coal/DLUA\\_DEIS.html](http://www.blm.gov/es/st/en/prog/east_lynn_lake_coal/DLUA_DEIS.html). You may submit comments by any of the following methods:

- **E-mail:**

[EastLynnLakeComments@blm.gov](mailto:EastLynnLakeComments@blm.gov).

- **Mail:** BLM Milwaukee Field Office, Attn: Chris Carusona, 626 E. Wisconsin Ave., Suite 200, Milwaukee, WI 53202.

- **Facsimile:** 414-297-4409, Attn: Chris Carusona.

Comments, including names and addresses of respondents, will be available for public review at the Milwaukee BLM Field Office, and will be subject to disclosure under the Freedom of Information Act. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made

publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Chris Carusona, Planning and Environmental Coordinator, at 414-297-4463.

**SUPPLEMENTARY INFORMATION:** The original Notice of Availability provided for comments on the DLUA/DEIS to be received through September 24, 2008. The BLM received requests for an extension of the comment period from individuals and groups. The BLM has reviewed these requests. Comments on the DLUA/DEIS will now be accepted through November 10, 2008.

Dated: September 3, 2008.

A. Barron Bail,

BLM ES, Acting State Director.

[FR Doc. E8-20888 Filed 9-8-08; 8:45 am]

BILLING CODE 4310-GJ-P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[UTU 6443, UTU 012532, and UTU 0146037]

**Public Land Order No. 7708; Partial Revocation of Public Land Order Nos. 1391, 4060, and 4567; Utah; Correction**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Correction.

**SUMMARY:** This action corrects an error in the land description published as FR Doc. E8-12424 in the Federal Register, 73 FR 31880-31881, June 4, 2008.

On page 31881, column 1, line 13 from the top, which reads "Salt Lake Meridian" is hereby corrected to read "Utah Special Meridian".

On page 31881, below "b. Hawthorne Campground," column 1, line 20 from the top, and above "T. 8 S., R. 5 E.," column 1, line 21 from the top, insert "Salt Lake Meridian".

Dated: August 20, 2008.

Jeff Rawson,

Associate State Director.

[FR Doc. E8-20886 Filed 9-8-08; 8:45 am]

BILLING CODE 3410-11-P

## DEPARTMENT OF LABOR

**Office of Job Corps; Advisory Committee on Job Corps; Notice of Renewal of the Advisory Committee on Job Corps Charter**

**AGENCY:** Office of Job Corps, Department of Labor.

**ACTION:** Renewal of the Advisory Committee on Job Corps charter.

**SUMMARY:** Notice is hereby given that after consultation with the General Services Administration, it has been determined that the renewal of an advisory committee on Job Corps is necessary and in the public interest. Accordingly, the U.S. Department of Labor, Office of Job Corps has renewed the Advisory Committee on Job Corps charter with several minor revisions. The revisions are not intended to change the purpose or the Committee's original intent.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Current Advisory Committee on Job Corps charter expires September 7, 2008. These proposed revisions were not intended to change the purpose or the Committee's original intent. The revisions were intended to update and align with Job Corps vision for the 21st century.

The revisions are found in the following two sections of the Charter: A Description of the Duties for Which the Committee is Responsible and Termination Date.

**Summary of Revisions**

- A description of the duties for which the Committee is responsible were slightly modified to reflect an addendum report.
- The termination date was extended to provide sufficient time for Committee activities and evaluations necessary to obtain results needed in advising and making recommendations to the Secretary.

The Advisory Committee on Job Corps provides advice and recommendations to the Secretary of Labor pertaining to the review, development, and implementation of policies, legislation, and regulations affecting Job Corps. It serves to broadly evaluate Job Corps program characteristics, including its purpose, goals, and effectiveness, efficiency, and performance measures in order to address the critical issues facing the provision of job training and education to the youth population that it serves, particularly as related to creating a pipeline of young workers for a demand-driven workforce.





## United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Eastern States

7450 Boston Boulevard  
Springfield, Virginia 22153  
<http://www.blm.gov/eso>



IN REPLY REFER TO:  
3425 (030)

Honorable Nick J. Rahall II  
U.S. House of Representatives  
Washington, D.C. 20515

SEP 16 2008

Dear Mr. Rahall:

Thank you for your inquiry on behalf of your constituent, Mr. Joe Stanley. In an e-mail dated August 15, 2008, Mr. Stanley expressed concern over the proposals by Argus Energy and Rockspring Development to lease 13,089.55 acres of Federal coal for underground mining at East Lynn Lake in West Virginia. His comments are noted and are now included as part of the official record. You asked us to respond directly to Mr. Stanley; please see the enclosed copy of that response.

Through your office, Mr. Stanley requested that the 90-day comment period that ends on September 24, 2008, be extended for an additional 180 days. In deference to your request, as well as other requests from members of the West Virginia delegation, we have extended the comment period for 45 days and it now closes on November 10, 2008. The public was notified of the extension in the Federal Register on September 9, 2008. For your convenience, a copy of the notice is enclosed. This notice will also be published in local newspapers prior to September 24, 2008.

If you have additional questions regarding this matter, please feel free to contact me at (703) 440-1711, or your staff may contact Steven Wells, Deputy State Director, Division of Natural Resources, at (703) 440-1535 for assistance.

Sincerely,

Juan Palma  
State Director

Enclosures





SEP 16 2008

Honorable Nick J. Rahall II  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Rahall:

Thank you for your inquiry on behalf of your constituent, Mr. Joe Stanley. In an e-mail dated August 15, 2008, Mr. Stanley expressed concern over the proposals by Argus Energy and Rockspring Development to lease 13,089.55 acres of Federal coal for underground mining at East Lynn Lake in West Virginia. His comments are noted and are now included as part of the official record. You asked us to respond directly to Mr. Stanley; please see the enclosed copy of that response.

Through your office, Mr. Stanley requested that the 90-day comment period that ends on September 24, 2008, be extended for an additional 180 days. In deference to your request, as well as other requests from members of the West Virginia delegation, we have extended the comment period for 45 days and it now closes on November 10, 2008. The public was notified of the extension in the Federal Register on September 9, 2008. For your convenience, a copy of the notice is enclosed. This notice will also be published in local newspapers prior to September 24, 2008.

If you have additional questions regarding this matter, please feel free to contact me at (703) 440-1711, or your staff may contact Steven Wells, Deputy State Director, Division of Natural Resources, at (703) 440-1535 for assistance.

Sincerely,

/s/ Juan Palma

Juan Palma  
State Director

Enclosures

Bc: ES RF: CR RF: 910RF: 912RF: 930RF: MFO:KRoberts:cak:09/12/08:ELL Rahall-Stanley Response



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Eastern States

7450 Boston Boulevard  
Springfield, Virginia 22153  
<http://www.blm.gov/eso>



IN REPLY REFER TO:  
3425 (030)

Mr. Joe Stanley  
5221 Centerville Road  
Prichard, West Virginia 25555

SEP 16 2008

Dear Mr. Stanley:

I am responding to your e-mail to Representative Nick J. Rahall, in which you expressed concerns on the proposals by Argus Energy and Rockspring Development to lease 13,089.55 acres of Federal coal for underground mining at East Lynn Lake, West Virginia. Your comments are now noted and included as part of the official record.

All comments received during the public comment period will be reviewed by the Bureau of Land Management and all substantive comments will be addressed in the Final Land Use Analysis and Environmental Impact Statement in accordance with 40 CFR 1503.4.

We considered your request to extend the comment period that was set to close September 24, 2008, and have granted a 45-day extension. The comment period now closes November 10, 2008. The notice of extension was published in the Federal Register September 9, 2008 (copy enclosed), and will appear in the local newspapers in accordance with 40 CFR 1506.6.

Thank you for your interest and if you have any questions, please contact Steven Wells, Deputy State Director, Division of Natural Resources, at (703) 440-1535.

Sincerely,

Juan Palma  
State Director

Enclosure

cc: The Honorable Nick J. Rahall, II





## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[ES-030-07-1320-EL; WVES-50560; WVES-50556]

**Notice of Extension of the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement; Coal Lease Applications WVES-50556 and WVES-50560, Wayne County, WV**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Comment Period Extension.

**SUMMARY:** The Bureau of Land Management (BLM) is announcing an extension of the comment period on the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement (DLUA/DEIS) to analyze the potential impacts of two Federal Coal Lease By Applications, WVES-50556 and WVES-50560, totaling 13,089.55 acres at the U.S. Army Corps of Engineers' East Lynn Lake Project in Wayne County, West Virginia, and by this notice is announcing the extension of the comment period. The original notice published in the Federal Register on June 27, 2008 [73 FR 125] provided for a comment period to end on September 24, 2008. An amended notice published on July 3, 2008 [73 FR 129] provided a correction to the project's state location from Virginia to West Virginia.

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- **E-mail:**

[EastLynnLakeComments@blm.gov](mailto:EastLynnLakeComments@blm.gov).

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- **Facsimile:** 414-297-4409, Attn: Chris Carusona.

Comments, including names and addresses of respondents, will be available for public review at the Milwaukee BLM Field Office, and will be subject to disclosure under the Freedom of Information Act. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made

publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Chris Carusona, Planning and Environmental Coordinator, at 414-297-4463.

**SUPPLEMENTARY INFORMATION:** The original Notice of Availability provided for comments on the DLUA/DEIS to be received through September 24, 2008. The BLM received requests for an extension of the comment period from individuals and groups. The BLM has reviewed these requests. Comments on the DLUA/DEIS will now be accepted through November 10, 2008.

Dated: September 3, 2008.

A. Barron Bail,

*BLM ES, Acting State Director.*

[FR Doc. E8-20888 Filed 9-8-08; 8:45 am]

BILLING CODE 4310-GJ-P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[UTU 6443, UTU 012532, and UTU 0146037]

**Public Land Order No. 7708; Partial Revocation of Public Land Order Nos. 1391, 4060, and 4567; Utah; Correction**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Correction.

**SUMMARY:** This action corrects an error in the land description published as FR Doc. E8-12424 in the Federal Register, 73 FR 31880-31881, June 4, 2008.

On page 31881, column 1, line 13 from the top, which reads "Salt Lake Meridian" is hereby corrected to read "Uintah Special Meridian".

On page 31881, below "b. Hawthorne Campground," column 1, line 20 from the top, and above "T. 8 S., R. 5 E.," column 1, line 21 from the top, insert "Salt Lake Meridian".

Dated: August 20, 2008.

Jeff Rawson,

*Associate State Director.*

[FR Doc. E8-20886 Filed 9-8-08; 8:45 am]

BILLING CODE 3410-11-P

## DEPARTMENT OF LABOR

**Office of Job Corps; Advisory Committee on Job Corps; Notice of Renewal of the Advisory Committee on Job Corps Charter**

**AGENCY:** Office of Job Corps, Department of Labor.

**ACTION:** Renewal of the Advisory Committee on Job Corps charter.

**SUMMARY:** Notice is hereby given that after consultation with the General Services Administration, it has been determined that the renewal of an advisory committee on Job Corps is necessary and in the public interest. Accordingly, the U.S. Department of Labor, Office of Job Corps has renewed the Advisory Committee on Job Corps charter with several minor revisions. The revisions are not intended to change the purpose or the Committee's original intent.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Current Advisory Committee on Job Corps charter expires September 7, 2008. These proposed revisions were not intended to change the purpose or the Committee's original intent. The revisions were intended to update and align with Job Corps vision for the 21st century.

The revisions are found in the following two sections of the Charter: A Description of the Duties for Which the Committee is Responsible and Termination Date.

**Summary of Revisions**

- A description of the duties for which the Committee is responsible were slightly modified to reflect an addendum report.
- The termination date was extended to provide sufficient time for Committee activities and evaluations necessary to obtain results needed in advising and making recommendations to the Secretary.

The Advisory Committee on Job Corps provides advice and recommendations to the Secretary of Labor pertaining to the review, development, and implementation of policies, legislation, and regulations affecting Job Corps. It serves to broadly evaluate Job Corps program characteristics, including its purpose, goals, and effectiveness, efficiency, and performance measures in order to address the critical issues facing the provision of job training and education to the youth population that it serves, particularly as related to creating a pipeline of young workers for a demand-driven workforce.





# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Eastern States

7450 Boston Boulevard  
Springfield, Virginia 22153  
<http://www.blm.gov/eso>



IN REPLY REFER TO:  
3425 (030)

SEP 16 2008

The Honorable Robert C. Byrd  
United States Senate  
Washington, D.C. 20510

Dear Senator Byrd:

Thank you for your inquiry on behalf of your constituent, Mr. Joe Stanley. In an e-mail dated August 15, 2008, Mr. Stanley expressed concerns about the proposal to mine coal at the East Lynn Lake project. He indicated that the mining could impact the integrity of the dam, and the environmental impacts to the water quality, fish, wildlife and plant life could be irreversible.

Currently, the Draft Land Use Analysis and Draft Environmental Impact Statement are out for public comment. Mr. Stanley's comments, along with all other comments we receive, will be reviewed and all substantive comments will be addressed in the Final Land Use Analysis and Environmental Impact Statement in accordance with 40 CFR 1503.4.

Mr. Stanley requested that the 90-day comment period that ends on September 24, 2008, be extended for an additional 180 days. In deference to this request, as well as other requests from members of the West Virginia delegation to extend the comment period, we have extended it for 45 days, and it now closes on November 10, 2008. The public was notified of the extension in the Federal Register on September 9, 2008. For your convenience, a copy of the notice is enclosed. This notice will also be published in local newspapers prior to September 24, 2008.

Mr. Stanley also questions why the management and responsibility for the coal was transferred from the U.S. Army Corps of Engineers to the Bureau of Land Management. The Water Resources Development Act, Public Law No. 94-579, 113 Stat. 374 (1999), removed the U.S. Army Corps of Engineers consent authority normally granted to the surface management agency by stating:

*"Sec. 574. EAST LYNN LAKE, WEST VIRGINIA*

*The Secretary shall defer any decision relating to the leasing of mineral resources underlying East Lynn Lake, West Virginia, project lands to the Federal entity vested with such leasing authority."*

In this statement, the Secretary is defined as the Secretary of the Army and the Federal entity is the Bureau of Land Management.



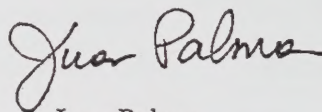
WILD HORSES & BURROS • CADASTRAL SURVEY • GENERAL LAND OFFICE RECORDS • MINERALS • RENEWABLE RESOURCES





I hope this information is helpful in your response to Mr. Stanley's inquiry. If you have additional questions regarding this matter, please contact me at (703) 440-1711, or your staff may contact Steven Wells, Deputy State Director, Division of Natural Resources, at (703) 440-1535 for assistance.

Sincerely,

A handwritten signature in cursive script that reads "Juan Palma".

Juan Palma  
State Director

Enclosure



## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[ES-030-07-1320-EL; WVES-50560; WVES-50556]

**Notice of Extension of the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement; Coal Lease Applications WVES-50556 and WVES-50560, Wayne County, WV**

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Comment Period Extension.

**SUMMARY:** The Bureau of Land Management (BLM) is announcing an extension of the comment period on the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement (DLUA/DEIS) to analyze the potential impacts of two Federal Coal Lease By Applications, WVES-50556 and WVES-50560, totaling 13,089.55 acres at the U.S. Army Corps of Engineers' East Lynn Lake Project in Wayne County, West Virginia, and by this notice is announcing the extension of the comment period. The original notice published in the Federal Register on June 27, 2008 [73 FR 125] provided for a comment period to end on September 24, 2008. An amended notice published on July 3, 2008 [73 FR 129] provided a correction to the project's state location from Virginia to West Virginia.

**DATES:** The BLM is extending the comment period for 45 days ending on November 10, 2008.

**ADDRESSES:** The DLUA/DEIS is posted on the Internet at [http://www.blm.gov/es/st/en/prog/east\\_lynn\\_lake\\_coal/DLUA\\_DEIS.html](http://www.blm.gov/es/st/en/prog/east_lynn_lake_coal/DLUA_DEIS.html). You may submit comments by any of the following methods:

- **E-mail:** [EastLynnLakeComments@blm.gov](mailto:EastLynnLakeComments@blm.gov).
- **Mail:** BLM Milwaukee Field Office, Attn: Chris Carusona, 626 E. Wisconsin Ave., Suite 200, Milwaukee, WI 53202.
- **Facsimile:** 414-297-4409, Attn: Chris Carusona.

Comments, including names and addresses of respondents, will be available for public review at the Milwaukee BLM Field Office, and will be subject to disclosure under the Freedom of Information Act. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made

publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Chris Carusona, Planning and Environmental Coordinator, at 414-297-4463.

**SUPPLEMENTARY INFORMATION:** The original Notice of Availability provided for comments on the DLUA/DEIS to be received through September 24, 2008. The BLM received requests for an extension of the comment period from individuals and groups. The BLM has reviewed these requests. Comments on the DLUA/DEIS will now be accepted through November 10, 2008.

Dated: September 3, 2008.

A. Barron Bail,

*BLM ES, Acting State Director.*

[FR Doc. E8-20888 Filed 9-8-08; 8:45 am]

BILLING CODE 4310-GJ-P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[UTU 6443, UTU 012532, and UTU 0146037]

**Public Land Order No. 7708; Partial Revocation of Public Land Order Nos. 1391, 4060, and 4567; Utah; Correction**

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

**SUMMARY:** This action corrects an error in the land description published as FR Doc. E8-12424 in the Federal Register, 73 FR 31880-31881, June 4, 2008.

On page 31881, column 1, line 13 from the top, which reads "Salt Lake Meridian" is hereby corrected to read "Utah Special Meridian".

On page 31881, below "b. Hawthorne Campground," column 1, line 20 from the top, and above "T. 8 S., R. 5 E.," column 1, line 21 from the top, insert "Salt Lake Meridian".

Dated: August 20, 2008.

Jeff Rawson,

*Associate State Director.*

[FR Doc. E8-20886 Filed 9-8-08; 8:45 am]

BILLING CODE 3410-11-P

## DEPARTMENT OF LABOR

**Office of Job Corps; Advisory Committee on Job Corps; Notice of Renewal of the Advisory Committee on Job Corps Charter**

AGENCY: Office of Job Corps, Department of Labor.

ACTION: Renewal of the Advisory Committee on Job Corps charter.

**SUMMARY:** Notice is hereby given that after consultation with the General Services Administration, it has been determined that the renewal of an advisory committee on Job Corps is necessary and in the public interest. Accordingly, the U.S. Department of Labor, Office of Job Corps has renewed the Advisory Committee on Job Corps charter with several minor revisions. The revisions are not intended to change the purpose or the Committee's original intent.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Current Advisory Committee on Job Corps charter expires September 7, 2008. These proposed revisions were not intended to change the purpose or the Committee's original intent. The revisions were intended to update and align with Job Corps vision for the 21st century.

The revisions are found in the following two sections of the Charter: A Description of the Duties for Which the Committee is Responsible and Termination Date.

**Summary of Revisions**

- A description of the duties for which the Committee is responsible were slightly modified to reflect an addendum report.
- The termination date was extended to provide sufficient time for Committee activities and evaluations necessary to obtain results needed in advising and making recommendations to the Secretary.

The Advisory Committee on Job Corps provides advice and recommendations to the Secretary of Labor pertaining to the review, development, and implementation of policies, legislation, and regulations affecting Job Corps. It serves to broadly evaluate Job Corps program characteristics, including its purpose, goals, and effectiveness, efficiency, and performance measures in order to address the critical issues facing the provision of job training and education to the youth population that it serves, particularly as related to creating a pipeline of young workers for a demand-driven workforce.



ROBERT C. BYRD, WEST VIRGINIA, CHAIRMAN

DANIEL K. INOUE, HAWAII  
 PATRICK J. LEAHY, VERMONT  
 TOM HARKIN, IOWA  
 BARBARA A. MIKULSKI, MARYLAND  
 HERB KOHL, WISCONSIN  
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 DIANNE FEINSTEIN, CALIFORNIA  
 RICHARD J. DURBIN, ILLINOIS  
 TIM JOHNSON, SOUTH DAKOTA  
 MARY L. LANDRIEU, LOUISIANA  
 JACK REED, RHODE ISLAND  
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 LAMAR ALEXANDER, TENNESSEE

CHARLES KIEFFER, STAFF DIRECTOR  
 BRUCE EVANS, MINORITY STAFF DIRECTOR

## United States Senate

### COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

August 25, 2008

Ms. Nancy L. Smith  
 Legislative Affairs Group Manager  
 Bureau of Land Management  
 U.S. Department of Interior  
 Mail Stop 401-LS  
 1849 C Street, N.W.  
 Washington, D.C. 20240-0001

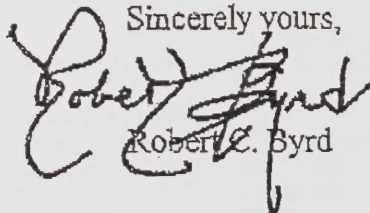
Dear Ms. Smith:

Please see the enclosed correspondence from the Honorable Rick Wellman.

I would appreciate your looking into this matter, and providing me with comments that may serve as the basis for a reply to my correspondent.

Thanking you in advance for your attention to this matter, I am

Sincerely yours,



Robert C. Byrd

RCB:sp  
 Enclosure



## County Commission of Wayne County

P.O. Box 248

Wayne, West Virginia 25570

Phone 304-272-6350 • Fax 304-272-6348

Rick Wellman, President • James H. Booton, Commissioner • Charles E. Sammons, Commissioner

August 18, 2008

Christopher Carusena, II  
Environmental Planner/Coordinator  
Bureau of Land Management  
Milwaukee Field Office  
626 E. Wisconsin Ave, Suite 200  
Milwaukee, WI 53202

Dear Sir or Madam:

The Wayne County Commission hereby requests a ninety (90) day extension of the comment period for the above proposed mining project near East Lynn Lake. The purpose of the extension is to allow the Commission and the citizens of Wayne County to address certain discrepancies in the authorizing documents and the other concerns regarding the project.

The County Commission would like clarification with regard to the distribution of royalty proceeds and whether the county will benefit from severance taxes, if any, collected from the project. Based upon past experience with other mining projects in the county, the Commission would like to see a trust established for the protection of citizens that may be affected by mining operations. The Commission is also concerned about the proposed mining plans that would allow operations within two hundred (200) foot of the lake shoreline.

The Wayne County Commission believes that the extension would allow greater understanding of the project and its potential benefits for the county.

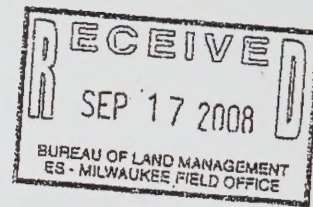
Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rick Wellman", written over a horizontal line.

Rick Wellman, President  
Wayne County Commission





3425 (030)

SEP 10 2008

The Honorable Robert C. Byrd  
United States Senate  
Washington, D.C. 20510

Dear Senator Byrd:

Thank you for your inquiry on behalf of the County Commission of Wayne County concerning the proposal to mine Federal coal near East Lynn Lake. In a letter dated August 18, 2008, the Commission requested a 90-day extension of the comment period of the Draft Land Use Analysis and Draft Environmental Impact Statement to allow the Commission and the citizens of Wayne County to address certain discrepancies in the authorizing documents and the other concerns regarding the project. In deference to your request, as well as requests from other members of the West Virginia delegation to extend the comment period, we have extended it for 45 days and it now closes on November 10, 2008. The public was notified of the extension in the Federal Register on September 9, 2008. For your convenience, a copy of the notice is enclosed. This notice will also be published in local newspapers prior to September 24, 2008.

The Commission also requested clarification with regard to the distribution of royalty proceeds and whether the county will benefit from the severance taxes, if any, collected from the project. We cannot answer that question because it is up to the State as to whether the country directly benefits from the leasing royalties. The U.S. Code Title 33 Sec. 701c-3, requires the Federal Government to pay 75 percent of all monies received and deposited in the Treasury of the United States due to the leasing of lands to the State where the property is located. It is then up to the State Government as to how funds are distributed among counties or entities within the State.

Hopefully this information is helpful in your response to the County Commission of Wayne County. If you have additional questions regarding this matter, feel free to contact me at 703-440-1711 or your staff may feel free to contact Steven Wells, Deputy State Director, Division of Resources at 703-440-1727.

Sincerely,

/s/ A. Barron Bail

Juan Palma  
State Director

Acting

Enclosures:

Bc: ES RF: CR RF: 910RF: 912RF: 930RF: MFO:KRoberts:cak:09/09/08:ELL Cade Response



## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[ES-030-07-1320-EL; WVES-50560; WVES-50556]

**Notice of Extension of the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement; Coal Lease Applications WVES-50556 and WVES-50560, Wayne County, WV**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Comment Period Extension.

**SUMMARY:** The Bureau of Land Management (BLM) is announcing an extension of the comment period on the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement (DLUA/DEIS) to analyze the potential impacts of two Federal Coal Lease By Applications, WVES-50556 and WVES-50560, totaling 13,089.55 acres at the U.S. Army Corps of Engineers' East Lynn Lake Project in Wayne County, West Virginia, and by this notice is announcing the extension of the comment period. The original notice published in the Federal Register on June 27, 2008 [73 FR 125] provided for a comment period to end on September 24, 2008. An amended notice published on July 3, 2008 [73 FR 129] provided a correction to the project's state location from Virginia to West Virginia.

**DATES:** The BLM is extending the comment period for 45 days ending on November 10, 2008.

**ADDRESSES:** The DLUA/DEIS is posted on the Internet at [http://www.blm.gov/es/st/en/prog/east\\_lynn\\_lake\\_coal/DLUA\\_DEIS.html](http://www.blm.gov/es/st/en/prog/east_lynn_lake_coal/DLUA_DEIS.html). You may submit comments by any of the following methods:

- **E-mail:** [EastLynnLakeComments@blm.gov](mailto:EastLynnLakeComments@blm.gov).
- **Mail:** BLM Milwaukee Field Office, Attn: Chris Carusona, 626 E. Wisconsin Ave., Suite 200, Milwaukee, WI 53202.
- **Facsimile:** 414-297-4409, Attn: Chris Carusona.

Comments, including names and addresses of respondents, will be available for public review at the Milwaukee BLM Field Office, and will be subject to disclosure under the Freedom of Information Act. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made

publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Chris Carusona, Planning and Environmental Coordinator, at 414-297-4463.

**SUPPLEMENTARY INFORMATION:** The original Notice of Availability provided for comments on the DLUA/DEIS to be received through September 24, 2008. The BLM received requests for an extension of the comment period from individuals and groups. The BLM has reviewed these requests. Comments on the DLUA/DEIS will now be accepted through November 10, 2008.

Dated: September 3, 2008.

A. Barron Bail,

BLMES, Acting State Director.

[FR Doc. E8-20888 Filed 9-8-08; 8:45 am]

BILLING CODE 4310-GJ-P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[UTU 6443, UTU 012532, and UTU 0146037]

**Public Land Order No. 7708; Partial Revocation of Public Land Order Nos. 1391, 4060, and 4567; Utah; Correction**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Correction.

**SUMMARY:** This action corrects an error in the land description published as FR Doc. E8-12424 in the Federal Register, 73 FR 31880-31881, June 4, 2008.

On page 31881, column 1, line 13 from the top, which reads "Salt Lake Meridian" is hereby corrected to read "Uintah Special Meridian".

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Dated: August 20, 2008.

Jeff Rawson,

Associate State Director.

[FR Doc. E8-20886 Filed 9-8-08; 8:45 am]

BILLING CODE 3410-11-P

## DEPARTMENT OF LABOR

## Office of Job Corps; Advisory Committee on Job Corps; Notice of Renewal of the Advisory Committee on Job Corps Charter

**AGENCY:** Office of Job Corps, Department of Labor.

**ACTION:** Renewal of the Advisory Committee on Job Corps charter.

**SUMMARY:** Notice is hereby given that after consultation with the General Services Administration, it has been determined that the renewal of an advisory committee on Job Corps is necessary and in the public interest. Accordingly, the U.S. Department of Labor, Office of Job Corps has renewed the Advisory Committee on Job Corps charter with several minor revisions. The revisions are not intended to change the purpose or the Committee's original intent.

**SUPPLEMENTARY INFORMATION:****Background**

The Current Advisory Committee on Job Corps charter expires September 7, 2008. These proposed revisions were not intended to change the purpose or the Committee's original intent. The revisions were intended to update and align with Job Corps vision for the 21st century.

The revisions are found in the following two sections of the Charter: A Description of the Duties for Which the Committee is Responsible and Termination Date.

**Summary of Revisions**

- A description of the duties for which the Committee is responsible were slightly modified to reflect an addendum report.
- The termination date was extended to provide sufficient time for Committee activities and evaluations necessary to obtain results needed in advising and making recommendations to the Secretary.

The Advisory Committee on Job Corps provides advice and recommendations to the Secretary of Labor pertaining to the review, development, and implementation of policies, legislation, and regulations affecting Job Corps. It serves to broadly evaluate Job Corps program characteristics, including its purpose, goals, and effectiveness, efficiency, and performance measures in order to address the critical issues facing the provision of job training and education to the youth population that it serves, particularly as related to creating a pipeline of young workers for a demand-driven workforce.



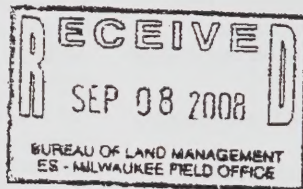
JOHN D. ROCKEFELLER IV  
WEST VIRGINIA

## United States Senate

WASHINGTON, DC 20510-4802

September 4, 2008

Mr. Christopher Carusona, II  
Environmental Planner/Coordinator  
Bureau of Land Management  
Milwaukee Field Office  
626 East Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202



STATE OFFICE:  
405 CAPITOL STREET, SUITE 508  
CHARLESTON, WV 25301  
(304) 347-5372  
FAX: (304) 347-5371

NORTHERN SATELLITE OFFICE:  
118 ADAMS STREET, SUITE 301  
FAIRMONT, WV 26554  
(304) 367-0122  
FAX: (304) 367-0822

SOUTHERN SATELLITE OFFICE:  
220 NORTH KANAWHA STREET, SUITE 1  
BECKLEY, WV 25801  
(304) 253-9704  
FAX: (304) 253-2578

EASTERN REGIONAL OFFICE:  
217 WEST KING STREET, SUITE 307  
MARTINSBURG, WV 25401  
(304) 262-9285  
FAX: (304) 262-9288

Dear Mr. Carusona,

I have been contacted with an urgent request by the members of the Wayne County Commission in Wayne, West Virginia.

According to the members of the Commission, there is a great deal of public concern over the mining permit applications that have been submitted for East Lynn Lake. These individuals have legitimate questions about the potential extraction of the resources located within the property comprising East Lynn Lake. Enclosed is a copy of the correspondence I received from the members of the Wayne County Commission. I would appreciate it if you would look into this matter and provide my office with a report.

When responding, please refer to the above Case Code and send your findings to my Southern Satellite Office at 220 North Kanawha Street, Suite 1, Beckley, West Virginia 25801. Thank you for checking into this matter for me.

Sincerely,

John D. Rockefeller IV

Enclosure



REC'D AUG 25 2008

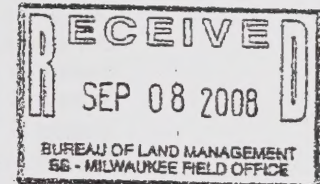
## County Commission of Wayne County

P.O. Box 248  
Wayne, West Virginia 25570  
Phone 304-272-6350 • Fax 304-272-6348

Rick Wellman, President • James H. Booton, Commissioner • Charles E. Sammons, Commissioner

August 18, 2008

Christopher Carusona, II  
Environmental Planner/Coordinator  
Bureau of Land Management  
Milwaukee Field Office  
626 E. Wisconsin Ave, Suite 200  
Milwaukee, WI 53202



Dear Sir or Madam:

The Wayne County Commission hereby requests a ninety (90) day extension of the comment period for the above proposed mining project near East Lynn Lake. The purpose of the extension is to allow the Commission and the citizens of Wayne County to address certain discrepancies in the authorizing documents and the other concerns regarding the project.

The County Commission would like clarification with regard to the distribution of royalty proceeds and whether the county will benefit from severance taxes, if any, collected from the project. Based upon past experience with other mining projects in the county, the Commission would like to see a trust established for the protection of citizens that may be affected by mining operations. The Commission is also concerned about the proposed mining plans that would allow operations within two hundred (200) foot of the lake shoreline.

The Wayne County Commission believes that the extension would allow greater understanding of the project and its potential benefits for the county.

Thank you for your consideration.

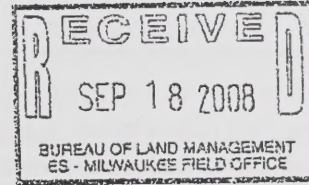
Sincerely,

Rick Wellman, President  
Wayne County Commission



Cc: Senator R. Byrd  
Senator J. Rockefeller  
Senator N. Rahall  
Senator S. Capito  
Senator A. Mallohan  
WV Speaker of the House, Rick Thompson  
Delegate D. Perdue  
Delegate D. Stephens  
Delegate D. Reynolds  
Delegate K. Sobonya  
Delegate K.S. Kominar  
Senator E. Jenkins  
Senator E. R. Tomblin  
Senator H. T. Chafin  
Senator J.P. Fanning  
Senator R. Stollings  
Senator R. Plymale

---



SEP 15 2008

3425 (030)

The Honorable John D. Rockefeller IV  
United States Senator  
Southern Satellite Office  
220 North Kanawha Street, Suite 1  
Beckley, West Virginia 25801

Dear Senator Rockefeller:

Thank you for your inquiry on behalf of the County Commission of Wayne County concerning the proposal to mine Federal coal near East Lynn Lake. In a letter dated August 18, 2008, the President of the Commission requested a 90-day extension of the comment period on the Draft Land Use Analysis and Draft Environmental Impact Statement to allow the Commission and the citizens of Wayne County to address certain discrepancies in the authorizing documents and the other concerns regarding the project. In deference to your request, as well as requests from other members of the West Virginia delegation to extend the comment period, we have extended it for 45 days, and it now closes on November 10, 2008. The public was notified of the extension in the Federal Register on September 9, 2008. For your convenience, a copy of the notice is enclosed. This notice will also be published in local newspapers prior to September 24, 2008.

The Commission requested clarification with regard to the distribution of royalty proceeds and whether the county will benefit from the severance taxes, if any, collected from the project. As to the distribution of royalty proceeds, 33 U.S.C. § 701c-3 (1992), requires the Federal Government to pay 75 percent of all monies received to the State where the minerals are extracted. It is then up to the State legislature to determine how funds are distributed. Severance taxes, if any, would be paid by the State. The Federal Government does not impose a severance tax on its onshore minerals so that issue should be clarified by the State Auditor's Office.



I hope this information is helpful in your response to the County Commission of Wayne County. If you have additional questions regarding this matter, feel free to contact me at (703) 440-1711, or your staff may contact Steven Wells, Deputy State Director, Division of Natural Resources, at (703) 440-1535.

Sincerely,

**/s/ Juan Palma**

Juan Palma  
State Director

Enclosure

cc: Your Washington Office

Bc: ES RF: CR RF: 910RF: 912RF: 930RF: MFO:KRoberts:cak:09/09/08:ELL Rockefeller  
Response

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[ES-030-07-1320-EL; WVES-50560; WVES-50556]

**Notice of Extension of the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement; Coal Lease Applications WVES-50556 and WVES-50560, Wayne County, WV**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Comment Period Extension.

**SUMMARY:** The Bureau of Land Management (BLM) is announcing an extension of the comment period on the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement (DLUA/DEIS) to analyze the potential impacts of two Federal Coal Lease By Applications, WVES-50556 and WVES-50560, totaling 13,089.55 acres at the U.S. Army Corps of Engineers' East Lynn Lake Project in Wayne County, West Virginia, and by this notice is announcing the extension of the comment period. The original notice published in the Federal Register on June 27, 2008 [73 FR 125] provided for a comment period to end on September 24, 2008. An amended notice published on July 3, 2008 [73 FR 129] provided a correction to the project's state location from Virginia to West Virginia.

**DATES:** The BLM is extending the comment period for 45 days ending on November 10, 2008.

**ADDRESSES:** The DLUA/DEIS is posted on the Internet at [http://www.blm.gov/es/st/en/prog/east\\_lynn\\_lake\\_coal/DLUA\\_DEIS.html](http://www.blm.gov/es/st/en/prog/east_lynn_lake_coal/DLUA_DEIS.html). You may submit comments by any of the following methods:

- **E-mail:**  
[EastLynnLakeComments@blm.gov](mailto:EastLynnLakeComments@blm.gov).
- **Mail:** BLM Milwaukee Field Office, Attn: Chris Carusona, 626 E. Wisconsin Ave., Suite 200, Milwaukee, WI 53202.
- **Facsimile:** 414-297-4409, Attn: Chris Carusona.

Comments, including names and addresses of respondents, will be available for public review at the Milwaukee BLM Field Office, and will be subject to disclosure under the Freedom of Information Act. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made

publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Chris Carusona, Planning and Environmental Coordinator, at 414-297-4463.

**SUPPLEMENTARY INFORMATION:** The original Notice of Availability provided for comments on the DLUA/DEIS to be received through September 24, 2008. The BLM received requests for an extension of the comment period from individuals and groups. The BLM has reviewed these requests. Comments on the DLUA/DEIS will now be accepted through November 10, 2008.

Dated: September 3, 2008.

A. Barron Bail,

*BLM ES, Acting State Director.*

[FR Doc. E8-20888 Filed 9-8-08; 8:45 am]

BILLING CODE 4310-GJ-P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[UTU 6443, UTU 012532, and UTU 0146037]

**Public Land Order No. 7708; Partial Revocation of Public Land Order Nos. 1391, 4060, and 4567; Utah; Correction**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Correction.

**SUMMARY:** This action corrects an error in the land description published as FR Doc. E8-12424 in the Federal Register, 73 FR 31880-31881, June 4, 2008.

On page 31881, column 1, line 13 from the top, which reads "Salt Lake Meridian" is hereby corrected to read "Uintah Special Meridian".

On page 31881, below "b. Hawthorne Campground," column 1, line 20 from the top, and above "T. 8 S., R. 5 E.," column 1, line 21 from the top, insert "Salt Lake Meridian".

Dated: August 20, 2008.

Jeff Rawson,

*Associate State Director.*

[FR Doc. E8-20886 Filed 9-8-08; 8:45 am]

BILLING CODE 3410-11-P

## DEPARTMENT OF LABOR

**Office of Job Corps; Advisory Committee on Job Corps; Notice of Renewal of the Advisory Committee on Job Corps Charter**

**AGENCY:** Office of Job Corps, Department of Labor.

**ACTION:** Renewal of the Advisory Committee on Job Corps charter.

**SUMMARY:** Notice is hereby given that after consultation with the General Services Administration, it has been determined that the renewal of an advisory committee on Job Corps is necessary and in the public interest. Accordingly, the U.S. Department of Labor, Office of Job Corps has renewed the Advisory Committee on Job Corps charter with several minor revisions. The revisions are not intended to change the purpose or the Committee's original intent.

**SUPPLEMENTARY INFORMATION:****Background**

The Current Advisory Committee on Job Corps charter expires September 7, 2008. These proposed revisions were not intended to change the purpose or the Committee's original intent. The revisions were intended to update and align with Job Corps vision for the 21st century.

The revisions are found in the following two sections of the Charter: A Description of the Duties for Which the Committee is Responsible and Termination Date.

**Summary of Revisions**

- A description of the duties for which the Committee is responsible were slightly modified to reflect an addendum report.
- The termination date was extended to provide sufficient time for Committee activities and evaluations necessary to obtain results needed in advising and making recommendations to the Secretary.

The Advisory Committee on Job Corps provides advice and recommendations to the Secretary of Labor pertaining to the review, development, and implementation of policies, legislation, and regulations affecting Job Corps. It serves to broadly evaluate Job Corps program characteristics, including its purpose, goals, and effectiveness, efficiency, and performance measures in order to address the critical issues facing the provision of job training and education to the youth population that it serves, particularly as related to creating a pipeline of young workers for a demand-driven workforce.



NICK J. RAHALL II  
3RD DISTRICT, WEST VIRGINIA

COMMITTEE ON NATURAL RESOURCES  
CHAIRMAN

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE  
VICS-CHAIRMAN

Email: nrahall@mail.house.gov  
Internet: http://www.house.gov/rahall

Congress of the United States  
House of Representatives  
Washington, DC 20515-4803

September 30, 2008

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848 FIFTH AVE., ROOM 182  
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801 FEDERAL ST., ROOM 1005  
ILLIUMFIELD, WV 24701-3037  
(304) 325-6222

230 DIXIE ST.  
LOGAN, WV 25901  
(304) 782-8234

Mr. Jim Caswell  
Director  
Bureau of Land Management  
1620 L St NW  
Washington, DC 20036

Dear Mr. Caswell:

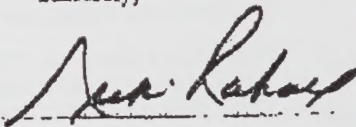
Enclosed please find a copy of correspondence from Mr. and Mrs. Marvin and Roberta Adkins regarding the proposals by two companies to lease 13,089.55 acres of federal coal near East Lynn Lake in Wayne County, West Virginia. Since this is a matter that falls within the jurisdiction of your office, I am referring it to you for consideration.

I note that the public comment period on these proposals has been extended and now ends on November 10, 2008. I would appreciate your looking into this matter expeditiously and responding directly to the questions posed by my constituents with any information that may be helpful to them. In addition, please send a copy of your response to my Washington D.C. office.

I thank you, in advance, for your assistance in this matter.

With warm regards, I am

Sincerely,



NICK J. RAHALL, II  
Member of Congress

NJR/sdg

Enclosure

*Marvin and Roberta Adkins  
Route 2 Box 2499  
Wayne, WV 25570*

August 19, 2008

Honorable Nick J. Rahall  
House of Representatives  
2307 Rayburn Building  
Washington, DC 20515-4803

Dear Representative Rahall:

I am writing to express my concerns of the proposal by Argus Energy and Rockspring Development propose to lease 13,089.55 acres of federal coal for underground mining at East Lynn Lake. They propose to mine within 1600 feet of the dam. Mining could impact the integrity of the dam and the environmental impacts to the water quality, fish, wildlife and plant life could be irreversible. I live downstream of this lake and maintaining the safety of the dam is imperative to the safety of my family and property.

The Bureau of Land Management has prepared an Environmental Impact Statement for this proposal. The current 90 day comment period ends on September 24, 2008. This report has not been properly reviewed by the public. Very little public participation has taken place. The public comment period needs to be extended at least 180 days. Many questions remain unanswered including:

- 1) Why was management and responsibility for the coal transferred from the US Army Corps of Engineers to BLM?
- 2) What will be the true impacts of mining on the lake?
- 3) What new tests have been conducted to conclude that mining will not be detrimental to the lake?

My daughter and I attended a public meeting in the town of Wayne hosted by BLM on March 27, 2007. Including me and my daughter there was one other local resident in attendance. The public announcement for this meeting published in the Wayne County News stated that we had to email or call to RSVP to attend the meeting. The phone number listed was not local but a long distance call to Milwaukee, Wisconsin. The most recent meeting again hosted by BLM was held in July had more local residents but we were only allowed 5 minutes to express our concerns and BLM did not answer any of our questions. It was a very impersonal and frustrating experience.



East Lynn Lake plays a vital role in the protection of Wayne County residents home and properties from flooding. I also enjoy fishing and boating at the lake. My grandsons also camp, boat, swim and fish at East Lynn Lake. I want them to be able to continue enjoying the lake for many years to come. There are numerous questions that need to be answered. Please urge BLM to deny this request or at least extend the public comment period another 180 days and properly engage the public.

Thank you for your assistance in this matter and we appreciate your representation of the residents of Wayne County.

Sincerely,

*Marvin Adkins*  
*Roberta Adkins*

Marvin and Roberta Adkins  
Route 2 Box 2499  
Wayne, WV 25570  
(304) 272-3488

3425 (030)

Marvin and Roberta Adkins  
Route 2 Box 2499  
Wayne, West Virginia 25570

Dear Marvin and Roberta Adkins:

Thank you for the inquiry concerning the East Lynn Lake Coal Lease Draft Land Use Analysis and Draft Environmental Impact Statement (DLUA/DEIS) in Wayne County, West Virginia. Currently, the DLUA/DEIS are out for public comment. Your comments, along with all other comments we receive, will be reviewed and all substantive comments will be addressed in the Final Land Use Analysis and Environmental Impact Statement in accordance with 40 CFR 1503.4.

In your letter to Representative Rahall, you requested that the 90-day comment period ending on September 24, 2008 be extended an additional 180 days. After receiving a number of requests to extend the comment period, the Bureau of Land Management (BLM) has extended the comment period through November 10, 2008. The public was notified of the extension in the Federal Register on September 9, 2008. This notice was also published in the *Herald Dispatch* on September 14 and 18, 2008, and in the *Wayne County News* on September 17, 2008.

In answer to your question, "Why was management and responsibility for the coal transferred from the U.S. Army Corps of Engineers to BLM," the Water Resource Development Act, Public Law No. 34-579, 113 Stat. 374 (1999), removed the U.S. Army Corps of Engineers consent authority normally granted to the surface management agency by stating:

*"Sec 574. East Lynn Lake, West Virginia  
The Secretary shall defer any decision relating to the leasing of mineral resources underlying East Lynn Lake, West Virginia, project lands to the Federal entity vested with such leasing authority."*

In this statement, the Secretary is defined as the Secretary of the Army and the Federal entity is the Bureau of Land Management.

The DLUA/DEIS analyzes the impacts of leasing and the possibility of coal mining. At this time no additional tests are planned to analyze coal mining upon East Lynn Lake, however if this lease is developed to mine coal, a mine plan would be submitted to the Office of Surface Mining and another review would take place to determine if additional analysis or protection is needed.



Regarding concerns about public notification and participation in the land use planning process, the BLM is guided by, and strictly adheres to, requirements mandated by the National Environmental Policy Act. These requirements include notifying the public of our proposed actions through postings in the Federal Register and announcements in local news publications. The BLM has taken care to place notices and issue press releases in more than fifteen newspapers and television outlets in reasonable proximity to the East Lynn Lake area. Workshops and scoping meetings were additionally announced through mailings and web site postings. All substantive comments received in person as well as by mail will be addressed in the final Land Use Analysis and Environment Impact Statement.

I hope this information is helpful in your inquiry. If you have additional questions regarding this matter, please contact me at 703-440-1711, or your staff may contact Steven Wells, Deputy State Director; Division of Natural Resources at 703-440-1535 for assistance.

Sincerely,

Juan Palma  
State Director

cc: The Honorable Nick J. Rahall, II

Bc: ES RF: CR RF: 910RF: 912RF: 930RF: MFO:MSieckmans:cak:10/31/08 Rahall and Adkins

NICK J. RAHALL II  
3RD DISTRICT, WEST VIRGINIA

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Internet: <http://www.house.gov/rahall>

September 30, 2008

Mr. Jim Caswell  
Director  
Bureau of Land Management  
1620 L St NW  
Washington, DC 20036

Dear Mr. Caswell:

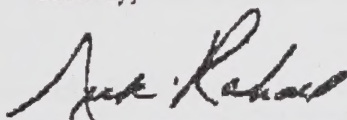
Enclosed please find a copy of correspondence from Mr. and Mrs. Terry and Tonna Vanderpool regarding the proposals by two companies to lease 13,089.55 acres of federal coal near East Lynn Lake in Wayne County, West Virginia. Since this is a matter that falls within the jurisdiction of your office, I am referring it to you for consideration.

I note that the public comment period on these proposals has been extended and now ends on November 10, 2008. I would appreciate your looking into this matter expeditiously and responding directly to the questions posed by my constituents with any information that may be helpful to them. In addition, please send a copy of your response to my Washington D.C. office.

I thank you, in advance, for your assistance in this matter.

With warm regards, I am

Sincerely,



NICK J. RAHALL, II  
Member of Congress

NJR/sdg

Enclosure



Subject: West Virginia - East Lynn Lake Coal Lease

Importance: High

August 19, 2008

Subject: West Virginia - East Lynn Lake Coal Lease

The Honorable Nick Rahall,

House of Representatives, Washington, DC 20515

Dear Congressman Rahall:

East Lynn Lake plays a vital role in the protection of Wayne County residents home and properties from annual flooding. It is also vital to the economy bringing thousands of tourist to Wayne County, West Virginia each year to enjoy, hiking, fishing, boating, camping, hunting, bird watching, etc.

I am writing to express my concerns of the proposal by Argus Energy and Rockspring Development propose to lease 13,089.55 acres of federal coal for underground mining at East Lynn Lake in West Virginia. They propose to mine within 1600 feet of the dam. Mining could impact the integrity of the dam and the environmental impacts to the water quality, fish, wildlife and plant life could be irreversible.

The U.S. Department of the Interior Bureau of Land Management - Eastern States (BLM) has prepared an Environmental Impact Statement for this proposal. The current 90-day comment period ends on September 24, 2008. This report has not been properly reviewed by the public. Very little public participation has taken place. The public comment period needs to be extended at the very least 180 days. Many questions remain unanswered. A few include:

1. Why was management and responsibility for the coal transferred from the US Army Corps of Engineers to BLM?
2. What will be the true impacts of mining on the lake?
3. What new tests have been conducted to conclude that mining will not be detrimental to the lake?

The Corps had good reason to guard against mining under the East Lynn recreation area, and this safeguard has been circumvented. It is unsettling that the oversight of the East Lynn Lake has been taken away from the Corps of Engineers and given to the Bureau of Land Management. We request that the oversight of the East Lynn Dam be given back to the proper entity which is the U.S. Corps of Engineers.

No two words carry more drama and pain in the West Virginia coalfields than - Buffalo Creek. Those two words symbolize all the dangers of surface mining. They speak of the callous attitude the mines sometimes show towards those who live nearby. As you well know, over thirty years ago, one of the deadliest floods in U.S. history occurred in southern West Virginia's Buffalo Creek hollow. Negligent strip mining and heavy rain produced a raging flood and in matter of minutes, 118 were dead, over 4,000 people were left homeless and seven were never found.

In 1967, the U.S. Department of the Interior had warned West Virginia state officials the Buffalo Creek dams and 29 others throughout West Virginia were unstable and dangerous. Historian John Alexander Williams once wrote: "In West Virginia, history often repeats itself. Perhaps the fact that our history is so painful explains why it is so poorly understood."

We understand that coal mining is very important to West Virginia's economy, but it needs to be done responsibly and with adequate foresight and anticipation of consequences—if regulatory and enforcement agencies are weakened or circumvented, the chances of mining in a responsible way are diminished.

Many questions MUST be answered. Please urge BLM to extend the public comment period another 180 days so the public can be heard and properly represented; and too heed the Corps of Engineers warnings and not allow mining under the East Lynn recreation area.

Sincerely,

Terry & Tonna Vanderpool

1319 Chestnut Street, Kenova, WV 25530

Telephone: 304-453-1102

Cc: The Honorable Jay Rockefeller, United States Senator, Washington, DC 20510

The Honorable Senator Robert Byrd, United States Senator, Washington, DC 20510

WV State Senator Earl Ray Tomblin

WV State Senator Robert Plymale



WV House Richard Thompson

WV House Don Perdue

Wayne County Commission Bret Jones

Juan Palma, BLM Eastern States Director,

Chris Carusona, BLM

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3425 (030)

Terry and Tonna Vanderpool  
1319 Chestnut Street  
Kenova, West Virginia 25530

Dear Terry and Tonna Vanderpool:

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Sincerely,

Juan Palma  
State Director

cc: The Honorable Nick J. Rahall, II

Bc: ES RF: CR RF: 910RF: 912RF: 930RF: MFO:MSieckmans:cak:10/31/08 Rahall and Vanderpol

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